

Desai, Sudhir

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**From:** Desai, Sudhir  
**Sent:** Monday, September 28, 2015 5:07 PM  
**To:** Rogers, Joan  
**Subject:** Fw: Public Records Request dated Sept. 28 response  
**Attachments:** door to door list.pdf

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FYI. Per our discussion Joan.

Thank you.

Sudhir

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**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Monday, September 28, 2015 4:48 PM  
**To:** Prichard, Gary; Desai, Sudhir; Larry Essman  
**Cc:** Robert Forrey; Ruth Marasek; Councilmember Gene Meadows  
**Subject:** Fw: Public Records Request dated Sept. 28 response

Gary and Sudhir:

Please see attached per my request.

Thank you.

Jane

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)



## WeGotTroubleRightHereInRiverCity

Portsmouth's City Manager from Dr. Robert Forrey's River Vices  
(excerpt) "Allen is sure he knows how to stop people laughing at  
Portsmouth because he recently was a ...

[Read more...](#)

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----- Forwarded Message -----

**From:** John Haas <JHaas@portsmouthoh.org>  
**To:** "mjanemurray@yahoo.com" <mjanemurray@yahoo.com>  
**Cc:** Derek Allen <DAllen@portsmouthoh.org>

**Sent:** Monday, September 28, 2015 5:10 PM

**Subject:** Public Records Request dated Sept. 28 response

Dear Ms. Murray:

Mr. Allen forwarded your September 28, 2015 public records request to me for response.

Attached please find the two page list of home inspections conducted by city employees on July 14, 2015 and the notes related to each inspection.

John R. Haas  
City of Portsmouth  
Office of the City Solicitor  
728 Second Street  
Portsmouth, Ohio 45662  
(740) 353-5229  
(740) 353-0136 fax

Confidentiality Note: This message is intended for use only by the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at the above telephone number. Thank you.

CITY OF PORTSMOUTH  
INVENTORY OF HOME INSPECTIONS  
CONDUCTED ON JULY 14, 2015

EXHIBIT 38

INSP.	ADDRESS	STATUS	COMMENTS	CONTACT	SATISFIED
DA	1902 25th	Yes			
DA	1922 25th	Wet-sewage smell	Hamilton		
DA	1924 25th	Dry	Felts		
1	1926 25th	Yes			
DA	2501 Shawnee	Yes-sewage smell	Spradlin		
2	2502 Shawnee	3-4 "	Curt Brock, Linda Brock	740-876-8277	
DA	2505 Shawnee	No answer			
2	2506 Shawnee	No damage			
1	2510 Shawnee	No basement			
DA	2582 Shawnee	Black grit	Huffman		
DA	2604 Shawnee	No answer			
1	2612 Shawnee	No answer			
1	2614 Shawnee	No			
2		No damage (stream)	Melissa Adkins	740-352-7836	
DA	2615 Shawnee	Yes	Henning		
DA	2617 Shawnee	Very little-rain	Lauden		
2	2620 Shawnee	Damaged basement	Melissa Barry	740-981-7199	
DA	2623 Shawnee	Yes sewage			
1	2624 Shawnee	No basement			
1	2626 Shawnee	No answer			
DA	2629 Shawnee	Very little-Laminate	Van Deusan		
2	2630 Shawnee	No answer			
2	2634 Shawnee	Sewage back-up	Dave Huffman-Janet	740-355-0620	
DA	2635 Shawnee	Very little	Day		
1	2638 Shawnee	No			
DA	2639 Shawnee	Yes rainwater	Crystal Shepherd		
2		Standing sewage water			
RD		Received ph msg from daughter, 7/15 (Tammy Caid, 740-941-0000)			
		Returned call 4:55. Told her I would stop by house.			
		Took pics of floor drains. Carried rugs (3) to back deck to dry.			
		Very slow flood drain was still retaining water. I said she needs to call plumber.			
1	2642 Shawnee	Yes			
1	2645 Shawnee	Very yes			
1	2646 Shawnee	No			
1	2650 Shawnee	No answer			
1	2651 Shawnee	No answer			
2	2653 Shawnee	No answer			
2	2654 Shawnee	No answer			
RD	Follow-up call (7/16, 2 pm) 2" water-insurance cleanup-fans-dehumidifier				
	Basement drain		Mary Pellegrimon-daughter Helen Zoellner-owner	740-353-6276	
RD	2302 Grandview	No answer			
RD	2306 Grandview	5-6' circle around floor drain in basement			
RD	2309 Grandview	5-6" in basement	Marasek		
RD	2325 Grandview	No problem	Seisson		
RD	2320 Grandview	Lots			YES
RD	2329 Grandview	No answer			
RD	2330 Grandview	Little bit, clear, typical, no problem			

CITY OF PORTSMOUTH  
INVENTORY OF HOME INSPECTIONS  
CONDUCTED ON JULY 14, 2015

EXHIBIT 38

INSP.	ADDRESS	STATUS	COMMENTS	CONTACT	SATISFIED
RD	2331 Grandview	No answer			
RD	2334 Grandview	Sump pump failed, using wet vac, clear water			
RD	2336 Grandview	Always a little water from small weephole-no more than normal			YES
RD	2399 Grandview	No answer			
RD	2400 Grandview	Clear-cleaned up-OK			YES
RD	2403 Grandview	No basement			YES
RD	2407 Grandview	Could open basement door			
	Returned 7/16 with pliers. Water in basement.				
RD	2410 Grandview	No answer	Sump pump discharge to Grandview		
RD	2411 Grandview	Back-up through floor drain	McQuinley		
RD	2417 Grandview	None	Essman		
RD	2420 Grandview	No answer			YES
RD	2421 Grandview	None			
RD	2429 Grandview	No answer	Bob Eggar		
1	2511 Grandview	No			
DA	2604 Grandview	No basement-no flooding			
DA	2610 Grandview	No answer			
1	2615 Grandview	No answer			
1	2619 Grandview	No answer			
DA	2620 Grandview	No answer			
1	2625 Grandview	Yes -rain water only	Barb Coakley		
DA	2632 Grandview	No answer			
1	2635 Grandview	Yes -rain water only			
		Very little			
DA	2636 Grandview	No answer	Sinkhole at clean-out		
DA	2650 Grandview	No water-crawl space	Hanley-Pool flooded		
DA	2654 Grandview	No answer			
DA	2655 Grandview	No answer			
DA	2658 Grandview	No answer			
DA	2702 Grandview	No answer			
DA	2705 Grandview	Dry			
DA	2706 Grandview	Dry			
DA	2708 Grandview	Little wet around drian			
DA	2711 Grandview	No answer			
DA	2716 Grandview	Dry			
DA	2717 Grandview	Dry			
DA	2718 Grandview	Dry			
DA	2723 Grandview	Dry			
DA	2726 Grandview	No answer			
DA	2727 Grandview	Dry			
DA	2730 Grandview	Dry			
DA	2734 Grandview	No basement-backroom wet			
DA	2737 Grandview				
DA	2738 Grandview	Doesn't know			
DA	2741 Grandview	Empty			

**Desai, Sudhir**

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**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Tuesday, September 29, 2015 1:43 PM  
**To:** Prichard, Gary; Desai, Sudhir  
**Subject:** Portsmouth City Manager says telemetry equipment not required  
**Attachments:** 3382\_001 city council meeting document blaming me for costs of providing public records.pdf

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Gary and Sudhir:

As you know, all of us residents are scared of more basement backups. City officials are, in my opinion, working hard to refute my/our assertions about the backups that occurred July 14, 2015. Please see attached that was given to the local "media" prior to the meeting.

I really have no interest in responding to such pettiness but I did put a few items on my blog today including Mr. Bramscher's October 2008 letter:

<http://wegottroublerighthereinrivercity.blogspot.com/2015/09/oh-really.html>

My neighbors and I have had our homes, our properties, our life investment rendered worthless. Would you buy any of our houses?

I am focusing on several things and our most immediate problems are:

1. Not allowing more impervious surface at the hospital (SOMC) to be discharged into our system. It can be discharges to the natural basin mentioned in no. 2 below.
2. Stopping work on the phase 2 project involving the natural drainage basin to the south of the hospital. The city bought it for detention but are clearing trees and brush. Why? What better drainage control than vegetation?
3. Requiring that telemetry (or SCADA) equipment be installed ASAP instead of "sometime in 2016". It is obvious from the attached documents that the city was not maintaining the equipment and only AFTER the basement backups of July 14, 2015 did they take seriously the need for the equipment!

There is one additional item that would help immensely and that is moving the schedule up and require that the OH National Guard Armory redo its parking lot that violates all local laws on storm water control. It is listed in various city documents...and I will attempt to locate those.

Thank you.

Jane

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)





# City of Portsmouth

Office of the City Manager

728 Second Street  
Portsmouth, Ohio 45662



**TO:** Portsmouth City Council  
**FROM:** City Manager Derek K. Allen, ICMA-CM DKA  
**DATE:** September 25, 2015  
**RE:** Water Level Sensor 23<sup>rd</sup> Street & Grandview Avenue

Recently, there have been emails from M. Jane Murray making public requests. Included in the latest email were misstatements regarding a monitoring device that was located near the intersection of 23<sup>rd</sup> Street and Grandview Avenue.

These misstatements were emailed to various individuals including city council members. On September 23, 2015 M. Jane Murray emailed various officials that are contained in the attached Exhibit C.

It is important that I address each statement individually.

**"You may or may not know how important this particular piece of equipment is."**

The piece of equipment that M. Jane Murray refers to is a water level sensor (Rawdon Myers MultiSmart SCADA unit). It was bid out with the 2009 SCADA improvements and was one of 28 units installed in 2010. The specific purpose of the 23<sup>rd</sup> and Grandview unit was to monitor the flow level in the 8 foot diameter Lawson Run sewer. It was installed in 2010 by J & H Erectors and their subcontractor Rawdon Myers.

The purpose was strictly monitoring and provides information only. There were no operational changes at the Portsmouth Wastewater Treatment Plant due to readings from this device.

Gates at the influent structure at the Portsmouth WWTP were not raised or lowered based on data from this device.

M. Jane Murray apparently believes they were.

**"It was required by the U.S. EPA in October 2008 to protect us from basement backups."**

It was not required by EPA.

**"It has been the only device (and previous to its installation the operators watching weather radar and taking appropriate action at the wastewater plant) that has saved us since that time when there has been intense rainfall."**

This statements summarizes the level of misunderstanding by former Mayor M. Jane Murray of the operations of the City of Portsmouth Wastewater Treatment Plant. There is a faulty belief that operators monitoring the Rawdon Myers MultiSmart SCADA water level sensor or employees "watching weather radar" made operational changes at the wastewater plant.

On May 27, 2009 Director of Wastewater Rick Duncan issued a memorandum to all WWTP operators instructing them to keep the gates raised during dry weather flows in order to treat the maximum amount of sewage possible at the plant. Employees were to lower the gates during rain events to allow sewage to bypass the plant without backing up into the Lawson Run sewer. This policy was known to be in place until January 4, 2010 when M. Jane Murray terminated the employment of Rick Duncan.

Mr. Duncan returned to oversee the WWTP in February 2011 and on May 1, 2011 reissued the policy. Since early 2015 staff at the WWTP have left the gates in the open position at all times. The gates are currently not operated and so when there is a rain event the SCADA device or watching weather radar has no bearing on the functionality of the Lawson Run sewer or the City of Portsmouth WWTP.

The City of Portsmouth's sewer system is an open system meaning, if the sewage was blocked at the WWTP it would come out of the manholes and catch basins in the lower portion of Portsmouth. The elevation of 23<sup>rd</sup> Street and Grandview Avenue is 50 feet higher than at the Portsmouth WWTP. It is hydrologically impossible for gates at the WWTP to cause basement backups as M. Jane Murray claims.

These allegations are also documented in a July 20, 2011 Portsmouth Daily-Times newspaper article concerning these weir gates.

Nevertheless, the gates were not up on July 14, 2015 so the concerns she raised are unfounded.

**"The telemetry equipment is required by the AOC and was located on a site map in the Facilities Plan noted below."**

The telemetry equipment is not required by the AOC. I researched the AOC, Solicitor Haas and Strand Associates have reviewed the AOC and nowhere in the document does the AOC mention the telemetry equipment at 23<sup>rd</sup> Street and Grandview Avenue.

The Facilities Plan dated April 2013 does not mention the telemetry equipment.

In an earlier email of the same day, September 23, 2015, M. Jane Murray made the following assertion:

**"Location of telemetry equipment required by the AOC with U.S. EPA and in the Facilities Plan adopted by the city pursuant to that plan and loan documents by and between the OH EPA."**



Again, the telemetry equipment is not required by the AOC. This facilities plan is still in "draft" form because it was never finalized by the City. This report was prepared in preparation for trying to obtain OEPA DEFA funding. However, at a later date, the City of Portsmouth decided to utilize a combination of OPWC and OWDA funding for the Grandview Area projects and the facilities plan was never taken any further. The DEFA nomination forms (which did not specifically include the facilities plan) were submitted to OEPA in accordance with Paragraph 11 of the AOC, but an agreement or loan was never finalized.

**"Workers were observed by Mr. Marasek when it was relocated from the Southeast corner of Grandview & 23rd Street to the Southwest corner of the new retention basin constructed by the city on Grandview next to the Marask's property. Mr. Marasek then observed it being removed."**

The telemetry equipment was relocated temporarily to the southwest corner of the new retention basin as was observed. This relocation information was also communicated to City Councilman Gene Meadows by City Manager Allen during the project. It was then removed for several reasons and the City of Portsmouth plans to replace the unit with a new unit in 2016.

The reasons are as follows:

1. The unit provided faulty data readings during rain events that over exaggerated flow levels providing faulty data of a full pipe when the pipe in actuality was not full. Rain water flow from catch basins provided false readings of high water levels that were not truly high water flows.
2. The former combined sewer in the 23<sup>rd</sup> Street and Grandview area were separated and thus the manhole that was monitoring the flow was no longer the best place to monitor the flows.
3. There were communication problems with the existing unit.

The City of Portsmouth will be reinstalling the SCADA unit on the Lawson Run pipe and on the 400,000 gallon retention facility sometime in 2016.

This is not a new conversation. Allegations made in various emails and contained on her blog that M. Jane Murray has forwarded to US EPA has cost the City of Portsmouth \$42,182.50 since January 2014.

The City of Portsmouth has incurred the following invoices from the city's environmental attorney, Squire Patton Boggs since January 2014. These expenses deal with questions generated by M. Jane Murray.

01/31/2014	\$1,034.61
02/07/2014	\$4,453.61
03/11/2014	\$761.25

05/30/2014	\$1,305.00
06/18/2014	\$4,569.53
07/17/2014	\$2,175.00
08/31/2014	\$326.25
09/30/2014	\$217.50
10/30/2014	\$3,480.00
07/31/2015	\$568.75
08/28/2015	\$5,701.00

Total: \$24,592.50

The City of Portsmouth has incurred the following invoices from Strand Associates provide mathematical calculations and documentation to US EPA refuting the false allegations by M. Jane Murray. These are not for engineering services in general but specifically to respond to her assertions.

April 2014	\$510
May 2014	\$2,930
June 2014	\$2,650
September 2014	\$1,600
February 2015	\$1,580
June 2015	\$720
August 2015	\$1,150
September 2015	\$125

Total: \$17,590

These costs do not include the loss of productivity by city staff including myself to stop other work to respond repeatedly to these allegations.

This \$42,182.50 will be paid for through higher sewer fees beginning in 2016 by the citizens of the City of Portsmouth.

#### LIST OF EXHIBITS

- A. September 22, 2015 Public Records Request via email from M. Jane Murray
- B. September 23, 2015 response to Public Records Request by city manager
- C. September 23, 2015 email from M. Jane Murray containing misstatements
- D. SCADA Improvements supplied by Rawdon Myers
- E. Rick Duncan memo regarding weir gate operations dated May 27, 2009
- F. Rick Duncan memo regarding weir gate operations dated May 1, 2011
- G. Portsmouth Daily Times article dated July 20, 2011
- H. Paragraph 11 of the AOC signed September 2013
- I. Explanation of false readings at 23<sup>rd</sup> Street and Grandview
- J. Replacement of SCADA unit in the vicinity of 23<sup>rd</sup> Street & Grandview Ave.

**Derek Allen**

**EXHIBIT A**

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**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Tuesday, September 22, 2015 2:22 PM  
**To:** Derek Allen; John Haas  
**Cc:** Gary Prichard; Sudhir Desai; Larry Essman  
**Subject:** Open Records Request

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Gentlemen:

Pursuant to the provisions of the Ohio Open Records Act please provide me the following:

1. Pictures and video taken by city personnel of the flooding in the Grandview Area on Tuesday, July 14, 2015.
2. Location of telemetry equipment required by the AOC with U.S. EPA and in the Facilities Plan adopted by the city pursuant to that plan and loan documents by and between the OH EPA.
3. If telemetry equipment has not been reinstalled, when will it be and where will it be installed?

Thank you for your cooperation.

M. Jane Murray, M.A.

**M. Jane Murray**

[www.wegottroublertightherainrivercity.blogspot.com](http://www.wegottroublertightherainrivercity.blogspot.com)

EXHIBIT B

**Derek Allen**

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**From:** Derek Allen  
**Sent:** Wednesday, September 23, 2015 12:02 PM  
**To:** 'Jane Murray'; John Haas  
**Cc:** Derek K. Allen (DAllen@portsmouthoh.org)  
**Subject:** RE: Open Records Request

Dear Ms. Jan Murray:

Regarding your public records request:

1. I will be emailing you the pictures and videos taken by city personnel of the flooding in the Grandview area on Tuesday, July 14, 2015. It will include all pictures and videos taken by city personnel. They will be contained in several emails because the size of the email file would be too large to send in one email.
2. This appears to be a question in the form of a statement rather than a public records request. Please identify a document or documents that you are requesting via the public records law.
3. This is a question and does not specify a document for your public records request. Please identify a document or documents that you are requesting via the public records law.

Sincerely,

Derek K. Allen, ICMA-CM  
City Manager

**From:** Jane Murray [mailto:mjanemurray@yahoo.com]  
**Sent:** Tuesday, September 22, 2015 2:22 PM  
**To:** Derek Allen <DAllen@portsmouthoh.org>; John Haas <JHaas@portsmouthoh.org>  
**Cc:** Gary Prichard <prichard.gary@epa.gov>; Sudhir Desai <desai.sudhir@epa.gov>; Larry Essman <lessman@roadrunner.com>  
**Subject:** Open Records Request

Gentlemen:

Pursuant to the provisions of the Ohio Open Records Act please provide me the following:

1. Pictures and video taken by city personnel of the flooding in the Grandview Area on Tuesday, July 14, 2015.
2. Location of telemetry equipment required by the AOC with U.S. EPA and in the Facilities Plan adopted by the city pursuant to that plan and loan documents by and between the OH EPA.
3. If telemetry equipment has not been reinstalled, when will it be and where will it be installed?

Thank you for your cooperation.

M. Jane Murray, M.A.

## EXHIBIT C

**Derek Allen**

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**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Wednesday, September 23, 2015 4:36 PM  
**To:** Derek Allen; John Haas  
**Cc:** Gary Prichard; Sudhir Desai; Larry Essman; Councilmember Gene Meadows; Ruth Marasek; Kevin E. Johnson; Brenda Mccane; Robert Forrey; Janice Shanks; Kevin W. Johnson; Sue Zoellner; Rich Saddler; Tinka G. Hyde; Susan Hedman; Vicci Felts; Donna Voorheis; Amy Sand; Alan Barlow; Jeff Dempsey; Jennifer Witte; Robert Kaplan; Debra Atkinson; Tom Lowe; Tom Fitzgerald; JoAnn Owens; Kathy Lane; Teresa Kelly; jack.knapp@epa.ohio.gov; Sandi Lawyer; Tiffany T. Shanks; jack.knapp@epa.ohio.gov  
**Subject:** Re: Open Records Request

Mr. Allen:

I received the photos and videos. Thank you.

As to the requests on the telemetry equipment, surely you and Mr. Haas are not refusing to tell us residents about the telemetry equipment, if it has been replaced and where it is located, or if you intend to replace it and where even if Mr. Haas believes my requests do not technically meet the requirements of the Ohio Open Records Law.

You may or may not know how important this particular piece of equipment is. It was required by the U.S. EPA in October 2008 to protect us from basement backups. It has been the only device (and previous to its installation the operators watching weather radar and taking appropriate action at the wastewater plant) that has saved us since that time when there has been intense rainfall.

The telemetry equipment is required by the AOC and was located on a site map in the Facilities Plan noted below. Workers were observed by Mr. Marasek when it was relocated from the Southeast corner of Grandview & 23rd Street to the Southwest corner of the new retention basin constructed by the city on Grandview next to the Marask's property. Mr. Marasek then observed it being removed.

As I noted in my initial inquiries some weeks ago, it had not been replaced. We merely wish to know if you have put it elsewhere, where that might be, if you intend to replace it, where and when. We already know it was removed prior to the July 14 rain event.

So, again, we seek the above information irrespective of it being an "official" open record per the definition of the Ohio Revised Code.

Perhaps an email exists between Mr. Duncan and Strand or email you received regard this issue. In any event, please let us know about this very valuable tool implemented prior to your arrival that has aided in our protection.

Sincerely,

M. Jane Murray, M.A.

EXHIBIT D, PAGE 1



**RAWDON MYERS INC.**

300 Milford Pkwy • Milford, OH 45150  
(513) 965-5300 Phone • (513) 965-5313 Fax • (800) 543-7180 Toll-free

**City of Portsmouth, Ohio  
Lawson Run WWTP**

**Contract IV SCADA Improvements**

**Specification Section: 13500**

**SUBMITTAL VER 1.0**

<b>Engineer:</b>	ENVIRONMENTAL ENGINEERING
<b>Contractor:</b>	J&H REINFORCING AND STRUCTURAL
<b>P.O. No.:</b>	RMILR001
<b>Supplier:</b>	RAWDON MYERS INC
<b>Supplier Job No.:</b>	RM-1689

## EXHIBIT D, PAGE 2

**J&H Reinforcing & Structural Erectors, Inc.**1406 10th Street P.O. Box 60  
Portsmouth, OH 45662

Phone: (740) 355-0141

Fax: (740) 355-3513

**Submittal Stamp Page**

Submittal No: 49 Date: 4/7/2010

Item(s): Telemetry and Control System Qty: 5

Specification Section(s): 13500

Location: Lawson Run WWTP Contract IV

ENVIRONMENTAL ENGINEERING SERVICE	
<input type="checkbox"/> REVIEWED	<input type="checkbox"/> REJECTED
<input checked="" type="checkbox"/> EXCEPTIONS NOTED	<input type="checkbox"/> RESUBMIT
<input type="checkbox"/> EXEMPTED	<input type="checkbox"/> NOTED
DATE <u>5/9/10</u>	
<small>By this submittal we hereby represent that we have attempted to determine and verify that all field measurements, field construction criteria, materials, dimensions, catalog numbers, and similar data shown and that we have checked and coordinated each item with other applicable reviewed shop drawings and requirements of the Contract Documents.</small>	
DWG.	JOB. NO.

**J&H Erectors, Inc.**

- ( x ) Reviewed  
 ( ) Reviewed as Noted  
 ( ) Correct and Resubmit

By this submittal we hereby represent that we have attempted to determine and verify that all field measurements, field construction criteria, materials, dimensions, catalog numbers, and similar data shown and that we have checked and coordinated each item with other applicable reviewed shop drawings and requirements of the Contract Documents.

Rev. By: J. Mark Rollins





EXHIBIT D, PAGE 4

Technical drawing of a control panel layout. The panel is rectangular with a central display area labeled 'Multimeter'. To the right of the display is a 'THERMISTOR' label. The panel is divided into sections by a vertical line. Numbered callouts (1-17) indicate specific components and locations. A table on the right lists the components and their locations.

NO.	DESCRIPTION	LOCATION
1	POWER SWITCH	TOP LEFT
2	POWER SWITCH	TOP LEFT
3	POWER SWITCH	TOP LEFT
4	POWER SWITCH	TOP LEFT
5	POWER SWITCH	TOP LEFT
6	POWER SWITCH	TOP LEFT
7	POWER SWITCH	TOP LEFT
8	POWER SWITCH	TOP LEFT
9	POWER SWITCH	TOP LEFT
10	POWER SWITCH	TOP LEFT
11	POWER SWITCH	TOP LEFT
12	POWER SWITCH	TOP LEFT
13	POWER SWITCH	TOP LEFT
14	POWER SWITCH	TOP LEFT
15	POWER SWITCH	TOP LEFT
16	POWER SWITCH	TOP LEFT
17	POWER SWITCH	TOP LEFT

PANEL TO BEAP  
UL508A LABEL



EXHIBIT E, PAGE 1

**Public Utilities Department****Division of Wastewater****Memo**

**To:** ALL OPERATORS  
**From:** Director of Wastewater  
**cc:** File  
**Date:** May 27, 2009  
**Re:** Weir gate operation and wet weather flows

In the past, the plant bypass weir gates have normally been kept in the raised (closed) position in order to maximize the use of the lower Lawson Run Sewer for storage of combined sewage, only lowering (opening) the gates during heavy rainfall events to prevent possible damage to the gates and other structures associated with the Diversion Chamber and to prevent erosion of soil around the diversion chamber.

However, USEPA has determined that excessive amounts of wastewater held in the lower portion of the Lawson Run Sewer may possibly result in residential flooding in the upper Lawson Run Sewer (Grandview area) under certain rainfall conditions. Therefore, USEPA has directed us to modify the operation of our bypass gates to avoid having an excessive level of wastewater stored in the lower Lawson Run Sewer in situations when there may be a significant chance of additional rainfall in the Portsmouth area.

In order to comply with USEPA's orders it is important for all operators to strictly adhere to the attached operating protocol. Please note that in all circumstances, the operator is still required to treat the maximum amount of combined wastewater possible (10 MGD according to the influent flow chart). I will be checking charts personally on a regular basis to insure that operators are maximizing treatment during all wet weather conditions.

If you have any questions regarding this policy please see me or the Chief Operator.

Sincerely,

Richard Duncan  
Director

## EXHIBIT E, PAGE 2

OPERATING PROTOCOL FOR PLANT BYPASS GATES AND INFLUENT PUMPSNORMAL DRY WEATHER CONDITIONS:

Weir gates shall be kept in the fully raised (CLOSED) position.

WET WEATHER CONDITIONS:

Operators are to monitor local weather radar and weather forecasts by television to anticipate precipitation events.

1. Wet weather flows are observed in the influent sewer (diversion chamber), but no significant additional rainfall is expected within the upcoming 4 to 8 hours:

Weir gates shall be kept in the fully raised (CLOSED) position.

2. Significant rainfall is expected within the upcoming 4 to 8 hours:

Weir gates shall be partially lowered to the 3-foot position (HALFWAY OPEN).

3. Extremely heavy rainfall is expected within the upcoming 4 to 8 hours (in excess of 1 inch of rainfall):

Weir gates shall be kept in the fully lowered (OPEN) position.

INFLUENT PUMPING OPERATION:

Under all circumstances, operators shall convey the maximum amount of flow into the WWTP.

Dry Weather:

The plant pumps and gates shall be operated such that all flow received in the diversion chamber is conveyed to the plant for treatment and no flow is stored in the Lawson Run Sewer.

Wet Weather:

The plant shall be operated at maximum capacity (10 MGD per the influent flow chart) at all times to eliminate or minimize wet weather bypasses and to minimize the level of wastewater in the diversion chamber.

The Director will check charts on a regular basis to insure that operators are maximizing treatment during all wet weather conditions.

EXHIBIT F

**Public Utilities Department**

**Division of Wastewater**

**Memo**

**To:** All Operators and Operators in Training  
**From:** Richard Duncan, Director of Wastewater  
**cc:** Mayor  
**Date:** May 1, 2011  
**Re:** Weir gate operation and wet weather flows

Operators are REQUIRED to treat the maximum amount of combined sewage possible (10 MGD) during wet weather.

I have attached a memo from 2009 which is still posted near the operations desk and is still in effect. Please review the memo "Weir gate operations and wet weather flows," dated May 27, 2009 and the "Operating Protocol for Plant Bypass Gates and Influent Pumps." After reviewing the documents, please sign below and return the signed copy to me.

If you have any questions come see me.

Sincerely,

  
Richard Duncan, Director of Wastewater

*I have reviewed and understand the attached memo, "Weir gate operations and wet weather flows," dated 5/27/2009, and the "Operating Protocol for Plant Bypass Gates and Influent Pumps." I also understand that these documents are still in effect.*

\_\_\_\_\_  
Operator's signature

\_\_\_\_\_  
Date

EXHIBIT G, PAGE 1

The Portsmouth Daily-Times Page 1, July 20, 2011

project that will bring SOMC's physicians and programs closer to Pike County patients.

"It's the Southern Ohio Medical Center Waverly Urgent Care and Specialty Center," said Elvis Walters, RN, the nurse manager of the Center. "We'll offer urgent care services and

See SOMC, A3



Submitted Photo

See CHARGED, A3

## 3 injured in roof collapse

BY G. SAM PIATT  
PDT STAFF WRITER

VANCEBURG, Ky. — Three people were injured Monday when a new picnic shelter at the Winterwood Senior Apartments in Vanceburg collapsed.

Injured were Andy and Jenny Owens and their 13-year-old daughter, Savannah Owens, said Lt. Tom Flannigan of the Vanceburg Police Department.

He said the department responded to a 911 call that the roof on the shelter had collapsed about 5:30 p.m.

All three were transported to Southern Ohio Medical Center in Portsmouth. Jenny and Savannah Owens were treated and released. Andy Owens was transferred to Grant Hospital in Columbus for "further observation and treatment." He had been released by early Tuesday, a Grant spokesperson said.

The three had been sitting under the shelter when the roof collapsed, Flannigan said. He said the shelter was destroyed.

## Duncan: Gates not to blame for flooding

Wastewater director: Flooding not caused by gates because one was broken during July 8 storm

BY FRANK LEWIS  
PDT STAFF WRITER

Portsmouth's Wastewater Director Rick Duncan is firing back at former Mayor Jane Murray about her recent accusations of flooding in the city.

Murray accused the city, in a letter to the Daily Times, of improperly managing the gates that are supposed to retain wastewater before it is treated and released into the Ohio River. She claimed the city kept the Weir Gates up during a July 8 downpour. That, in turn, added to the flooding problems in the Grandview Avenue area.

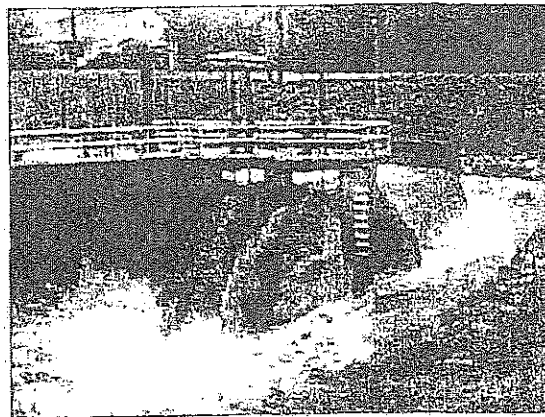
Murray and others live in that area of town and

have sued the city over the flooding issue.

Duncan argues that the Weir Gates were not up during the July 8 rainstorm because one of those two gates has been broken and laying in the influent channel since May.

The other gate, he said, would have no reason to be up since the two are side by side.

"Those are the gates she (Former Portsmouth Mayor Jane Murray) is saying we keep up and we cause basement flooding on Grandview," Duncan said as he stood on the bridge overlooking the gates. "It fell off in May and we're still trying to get parts to fix it. So we don't keep either one of them



Submitted photo

This cell phone photo provided by Portsmouth's Wastewater Director Rick Duncan shows rainwater from the July 8 storm as it flows over the Weir Gates.

up."

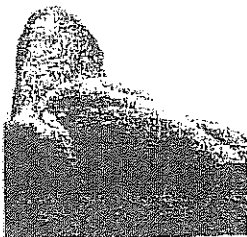
Duncan said the city typically keeps the gates raised in dry weather because of U.S. EPA requirements. They lower them in wet weather, he said.

"But we can't keep it up because it fell off," Duncan said. "And it doesn't

make any sense to keep the other one up because it doesn't do any good to have one up and have the other one missing."

Duncan said the broken gate has been reported to the EPA.

See GATES, A3



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Insurance

## EXHIBIT G, PAGE 2

19	+0.06	Buy
15	+0.07	Hold
13	+0.42	—
10	+0.96	—
10	+0.46	Buy
10	-0.17	—
14	+0.42	—

AGTHX	GROWFD AMER A	31.96	+0.53
ABALX	AMRCN BALACED A	18.74	+0.20
VFSX	VANGRD 500 INDX	101.02	+1.52
PTTAX	PIMCO TOT RET A	14.04	+0.02
DODFX	DODGE COX INTL	35.52	+0.42
DODGX	DODGE COX STK	111.54	+1.98
FONTX	FIDELTY CONTRA	72.40	+1.22

BAC	9.57	-0.15	JPM	40.89	+0.58
WFC	28.41	+1.53	S	5.26	+0.07
GE	18.58	+0.29	C	38.02	+0.28
PFE	19.95	+0.31	ITUB	20.86	+0.56
F	13.06	+0.79	MGM	15.45	+0.58

Information courtesy Edward Jones

**Today, why not try ...**

James Dickey Post  
American Legion, ham-  
burger fry and/or soup,  
705 Court St., 5-8 p.m.;  
euphre, 7 p.m.; disc  
jockey, 7 p.m.; draw-  
ing, 9 p.m.

• Visit the nature center, learn  
about the park, forest, etc.,  
Shawnee State Park, 4404 Ohio  
125, West Portsmouth, noon-3  
p.m.; Family Nature Adventure,  
meeting at nature center, 4 p.m.

• Breast Cancer Support  
Group, meeting, SOMC Cancer  
Center, 1121 Kinneys Lane, 1 p.m.  
• Grief support group, meeting,  
Cornerstone Church of the  
Nazarene, 12136 Gallia Pike,  
Wheelersburg, 1 p.m.

• Elks City Club, Keno, games,  
socializing, 544 Fourth St.  
entrance, 5 p.m.-closing.

• Let Our Violence End, domes-  
tic violence support group, free  
baby-sitting available, 5:30-8:45  
p.m.; information, (740) 456-8217.

• Bingo, hosted 14th Street  
Community Center, 17th Street  
Learning Center, old armory, 17th  
Street, 6:30 p.m.; doors open,  
4:30 p.m.

• Russell D. Williams Post  
American Legion, karaoke, 950  
Gallia St., 7 p.m.-midnight.

• Mosquito spraying, Porter  
Township, 9 p.m.-midnight.

lost one son and had two  
others injured in a recent  
auto accident. The Pan-  
cake Breakfast will be  
held from 8 to 11 a.m.  
Saturday, July 22, at the

**Charged**

From Page A1

said. They were pronounced dead  
at the scene.

"He (Harshberger) had some  
drugs in the vehicle and had para-  
phernalia on him. We also  
searched his house, where addi-  
tional drugs were found," Taulbee  
said.

Taulbee said that evidence has  
been sent to a crime lab for iden-  
tification. "Our investigators

packaged all the pills; there were  
two or three types of pills in each  
bottle," Taulbee said. "We cannot  
charge him with anything addi-  
tional until we know what we  
took out of that house."

Taulbee said while troopers  
were at the home they found a .22  
caliber rifle.

Taulbee said Harshberger is  
currently being held in the Scioto  
County Jail on a \$40,000 bond.

WAYNE ALLEN may be reached at  
(740) 353-3101, ext. 208, or  
wallen@heartlandpublications.com.

**Gates**

From Page A1

The gates don't affect flood-  
ing on Grandview anyway,  
Duncan said.

"If we caused the flooding on  
the hilltop by operating these  
gates down here, by opening  
them and closing them, then  
whenever we had flooding on  
the hilltop, we would have  
flooding all the way between  
there and here (Charles Street)  
from every manhole and every  
catch basin. I don't believe  
how we operate these gates has  
anything to do with the hilltop  
flooding."

A notation in the Wastewater  
Department's log book for May  
27 reads: "10:30 a.m. — I  
started to raise Weir to stop  
CSO (combined sewer over-  
flow) — east Weir gate came  
loose and fell into gut." Gut is  
a term for the sewer flow.

On May 1, Duncan sent a  
memo to all operators and  
operators in training to re-  
emphasize the policy contained

in a directive from May 27,  
2009, titled: "Weir gate opera-  
tions and wet weather flows."  
Each operator signed his copy  
and returned it to Duncan's  
office.

The directive reads, in part,  
"USEPA has determined that  
excessive amounts of waste-  
water held in the lower portion  
of the Lawson Run Sewer may  
possibly result in residential  
flooding in the upper Lawson  
Run Sewer (Grandview area)  
under certain rainfall condi-  
tions. Therefore, USEPA has  
directed us to modify the oper-  
ation of our bypass gates to  
avoid having an excessive level  
of wastewater stored in the  
lower Lawson Run Sewer in  
situations when there may be a  
significant chance of addition-  
al rainfall in the Portsmouth  
area."

The directive goes on to say  
the operator is still required to  
treat the maximum amount of  
combined wastewater possible.

FRANK LEWIS may be reached at  
(740) 353-3101, ext. 232, or  
flewis@heartlandpublications.com.

**Minford**

From Page A1

their contracts in August. Both Jordan and  
Stapleton were the most recently hired bus  
drivers, and have been employed by the  
district for one year or less.

Wilcheck said the two laid-off positions  
will save the district \$74,000. The remain-  
ing 16 bus drivers will not have a reduc-  
tion in hours, pay or benefits. Those  
remaining bus drivers, and local members  
of the Ohio Association of Public School  
Employees (OAPSE), are still very upset  
about the staff reductions.

"What do you want us to do? Some-  
thing has got to give. We spend \$133,000  
in fuel and it's going to be even more this  
year. The price of fuel ain't changing, and  
plus I've got a bus fleet that has to be  
repaired and running every day," Wilcheck  
said.

"We sent the OAPSE union a notice to  
negotiate ... and we got an e-mail back  
from the OAPSE representation in Athens,  
and they said 'We're not going to negoti-  
ate.' So consequently — guys, I have to do  
what I have to do."

The district has already settled a reduc-  
tion agreement with the teachers' union.  
The union agreed to a reduction in insur-  
ance, three furlough days, and will reduce  
the district paid retirement share from 18  
to 16 percent. Wilcheck said no teachers  
were laid-off, but there were some vacant  
teaching positions that are not being filled.

"These are tough times. What do you  
want me to do?" Wilcheck asked again.

These district changes to the bus routes  
and staffing will be discussed in greater  
detail during community meetings at 6  
p.m. Tuesday, July 26, and Thursday, July  
28 in the Minford High School Media  
Center.

RYAN SCOTT OTTNEY may be reached at  
(740) 353-3101, ext. 235, or rottney@heartland-  
publications.com.

**SOMC**

been talking about this for  
so many months, and so  
finally to see some prog-  
munity, work with the  
local doctors. We want to  
be more than just partners  
because we have a lot of  
people from the Waverly  
area that go to SOMC for

[print](#)

## City's inaction during storm costly to homeowners

07.13.11 - 10:24 pm

My neighbors and I are finding out that sewage backed up into some homes on Friday morning, July 8. Thus far, we know it affected five homes on Grandview Avenue and at least one home on Shawnee Road. Two people said the water/sewer at the intersection of Grandview and 25th was shooting out about a foot from the manhole and Grandview was flooded with water. One person said he had about eight inches in his basement, another said she had three to four inches, and a third had backup around the drain. These were in addition to the reports by Cindy Newsome and Bob Hunt to the Portsmouth Daily Times on Friday. Because of the location and history of the involved properties, we know more homes were affected. We just have not yet received a report.

Last week, Larry Essman and I, on behalf of the affected homeowners in the area, asked Mayor David Malone to hold a public meeting to discuss the Long Term Control Plan (which was approved by the U.S. EPA the first of April) and specifically address when the Basement Protection Plan will be started. The urgency is quite clear. The mayor replied to our request Monday, July 11, and we hope he will schedule such a meeting in the very near future.

I read the Portsmouth Daily Times' account of some of the issues in its July 9 Saturday edition. It is quite clear the city's wastewater department director is interested only in blaming others and not at all interested in addressing the problems. He even told one homeowner, "Lots of cities have these problems." However, the city is now required by federal law to do so.

The operational directive under which the city has been operating since it was ordered by the U.S. EPA in the fall of 2008 requires that sewage plant operators lower the gates during heavy rain or snow melt events so that it doesn't back up into homes. We will ask the mayor who was the operator on duty Friday morning and why he did not lower the gates. Lowering the gates is what saved us dozens of times in the past 2 1/2 years. The Basement Protection Plan must be in place immediately so that we are not subject to further operator error and so the city doesn't continue to send untreated sewage to the Ohio River.

Jane Murray

Portsmouth

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Portsmouth Daily Times

July 15, 2011

To the editor:

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In her letter to the editor Thursday (7/14/2011), former mayor Jane Murray made the unfounded allegation that certain "gates" at the City's wastewater treatment plant were not lowered during a storm that occurred on Friday, 7/8/2011. She claims that this so-called "operator error" caused basement flooding on Grandview Avenue. She also claimed that the City violated federal law by not lowering the gates.

Ms. Murray is mistaken. In fact, the plant bypass gates are operated in accordance with a directive, dated 5/27/2009, which requires the gates to be in the fully open (lowered) position when "heavy rainfall is expected within the upcoming 4 to 8 hours." This directive was followed on the date in question. Both of the gates Murray refers to were fully open and could not in any way have contributed to any basement flooding.

The storm that occurred on July 8 was very intense and it caused extensive flooding in various parts of Portsmouth. Over one inch of rainfall was recorded at the treatment plant within a 30-minute period. This amount of rain exceeded the capacity of the Grandview Ave sewer.

Any Grandview area resident who has experienced recent basement flooding is requested to contact the wastewater department at 353-0241 to report the date, time, and extent of flooding. This is also requested of any City resident who experiences flooding. Such information is important in the City's development of its basement protection program.

Sincerely,

Richard Duncan, P.E.  
Director of Wastewater  
City of Portsmouth

[print](#)

## Duncan responds to former-mayor Murray's wastewater accusation

---

by Frank Lewis

07.18.11 - 03:00 am

Portsmouth City Wastewater Director Rick Duncan says former Portsmouth Mayor Jane Murray's assumption that the Weir gates were not lowered during a July 8 downpour is wrong.

Murray wrote, in a letter to the editor of the Portsmouth Daily Times, "The operational directive under which the city has been operating since it was ordered by the U.S. EPA in the fall of 2008 requires that sewage plant operators lower the gates during heavy rain or snow melt events so that it doesn't back up into homes. We will ask the mayor who was the operator on duty Friday (July 8) morning and why he did not lower the gates."

Weir gates are 6-foot-high reinforced metal plates that are intended to hold water so it can be treated, instead of flowing directly to the Ohio River.

"The way the plant was designed was for us to keep those gates raised up so we can hold back as much water as possible to treat it, so we are not putting combined storm and sanitary sewer to the Ohio River," Duncan said.

Duncan said an EPA official told him the city should probably lower the gates and get as much water out of the system as possible.

"That violates our permit, because our permit says we have to try to hold it back and try to treat it," Duncan said. "So we went back to EPA to try to get special permission to lower these gates and let the water go out to the river — but we're only allowed to do it under certain circumstances. The only reason we're allowed to lower them all the way, which is opening this gate to let it go to the river, is if we know we're going to get so much rain anyway that we can't treat it all anyway. Then we are allowed to lower it."

Duncan said he has a directive, approved by EPA, that says if the weather is dry the gates must be kept up. If he expects to get a lot of rain within the next four to eight hours, the gates can be lowered. Duncan says that is the city's standard procedure.

"What she (Murray) accuses us of is keeping the gates up all the time, and we don't do that. We go by the procedure that EPA approved," Duncan said.

Murray wrote in her letter she knows of five homes on Grandview Avenue and one on Shawnee Road that were affected by that storm.

"One person said he had about eight inches in his basement, another said she had three to four inches, and a third had backup around the drain," Murray said in her correspondence.

... of ... Murray's wastewater accusation

Page 2 of 2

Duncan said the city has not experienced any basement flooding in about two years, since the change was put in place that is described in the directive.

Duncan said any city resident who has experienced recent basement flooding is asked to contact the Wastewater Department at (740) 353-0241 to report the date, time and extent of flooding.

Murray was not reachable by phone Saturday morning.

FRANK LEWIS may be reached at (740) 353-3101, ext. 232, or [flewis@heartlandpublications.com](mailto:flewis@heartlandpublications.com).

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## EXHIBIT H, PAGE 1

written approval by EPA of the MOM Program, Respondent shall implement the approved MOM Program.

8. Respondent must comply with the following schedule for construction, rehabilitation or replacement projects to eliminate the Munn's Run SSOs:

Activity	Date
Execute Construction Contract for North Moreland Sewer Lining Project	Completed
Complete Construction of North Moreland Sewer Lining Project	12/31/2013
Solicit bids for Construction of North Moreland Manhole Rehabilitation Project and submit a copy of any bid solicitation documents to EPA and OEPA	09/01/2013
Complete Construction of North Moreland Manhole Rehabilitation project	12/31/2013

9. Upon full construction of the Munn's Run SSO projects, Respondents must conduct one year of monitoring of the Munn's Run Pumping Station. If SSOs have continued to occur, Respondents must comply with the following schedule to eliminate the remaining SSOs:

Activity	Date
Submit Proposed Amended Schedule to EPA that Incorporates Additional Proposed Steps/Projects to Eliminate the Remaining SSOs	No later than 60 days after conclusion of the monitoring period
Begin Implementation of the Amended Schedule to Eliminate the Remaining SSOs	No later than 60 days after EPA's written approval of the Amended Schedule

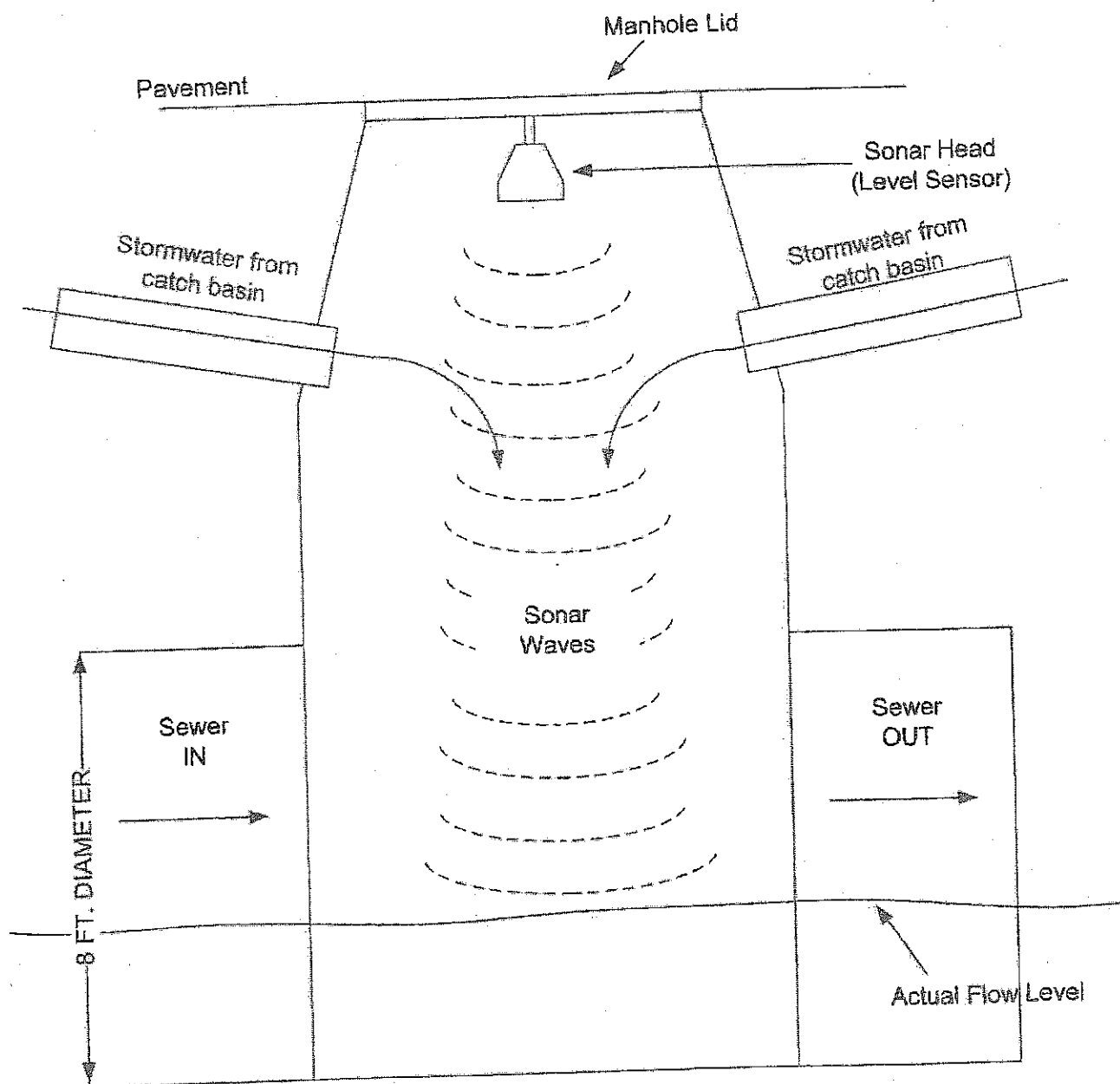
10. EPA may approve in writing the proposed amended schedule submitted under Paragraph 9 or, if EPA determines that Respondent's proposed amended schedule submitted under Paragraph 9 is unacceptable, EPA will notify Respondent and provide written, corrective comments as appropriate. Respondent must revise the amended schedule, in response to EPA's corrective comments, and resubmit the revised amended schedule to EPA for written approval within 45 calendar days after receipt thereof. Upon written approval by EPA, Respondent shall implement the approved amended schedule.
11. Respondent must comply with the following schedule for Grandview-Upper Lawson Run Projects:

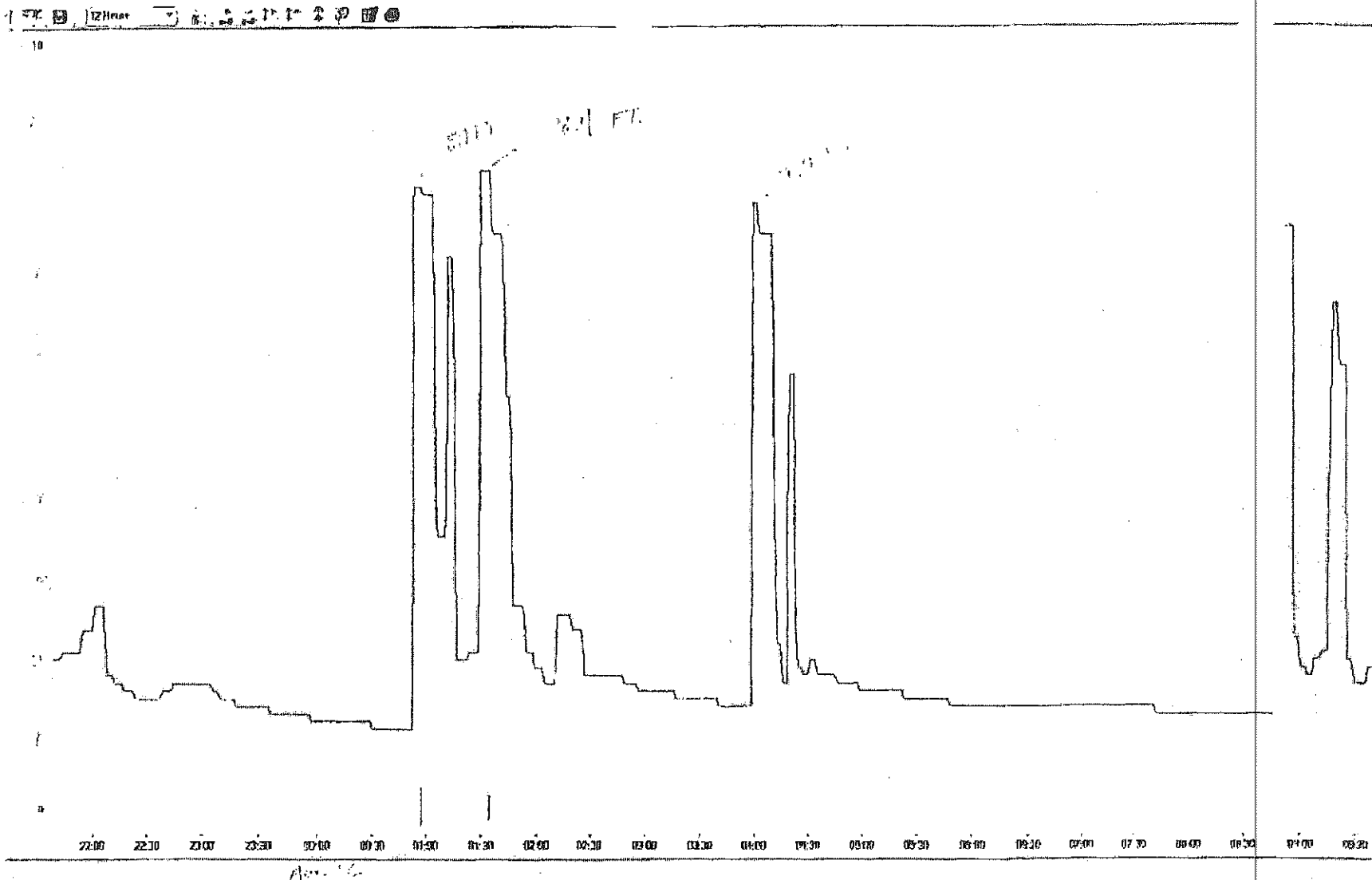
## EXHIBIT H, PAGE 2

Activity	Date
Submit 2013 Nomination Forms for Water Pollution Control Loan Fund (WPCLF) to OEPA DEFA for Grandview Area and Lawson Run projects. These projects include Planning, Design, and Construction for 25th and Coles Street Retention Basin Project and 2300 Block of Grandview Avenue Storage Project.	Completed
Downspout Disconnection Program: City is implementing downspout disconnection program including issuing letters to private property owners identified in 2012 engineering study requesting immediate disconnection of downspouts from sanitary Sewer System and evaluating whether disconnection has occurred.	Status to be included in bimonthly progress reports
25 <sup>th</sup> and Coles Street Retention Basin Project: Submit offer to acquire property to construct 25th and Coles Street Retention Basin Project	Completed
Execute engineering agreement to Design 25th and Coles Street Retention Basin Project and submit a copy of such agreement to EPA and OEPA	09/01/2013
Submit request for jurisdictional determination	09/01/2013
Advertise for bids for construction of 25th and Coles Street Retention Basin Project and submit a copy of such advertisement to EPA and OEPA	If determined to <u>not</u> be jurisdictional, within 180 days of receipt of jurisdictional determination
	If determined to be jurisdictional, City will submit proposed schedule for permitting, bid and construction process to USEPA within 30 days of receipt of jurisdictional determination
Complete construction of 25th and Coles Street Retention Basin Project	If determined to <u>not</u> be jurisdictional, within 1 year of advertising for bids
	If determined to be jurisdictional, City will submit proposed schedule for permitting, bid and construction process to USEPA within 30 days of receipt of jurisdictional determination

## EXHIBIT I, PAGE 1

LEVEL SENSOR GAVE FALSE READINGS DUE  
TO STORMWATER FROM (4) CATCH BASINS  
AT 23<sup>RD</sup> AND GRANDVIEW

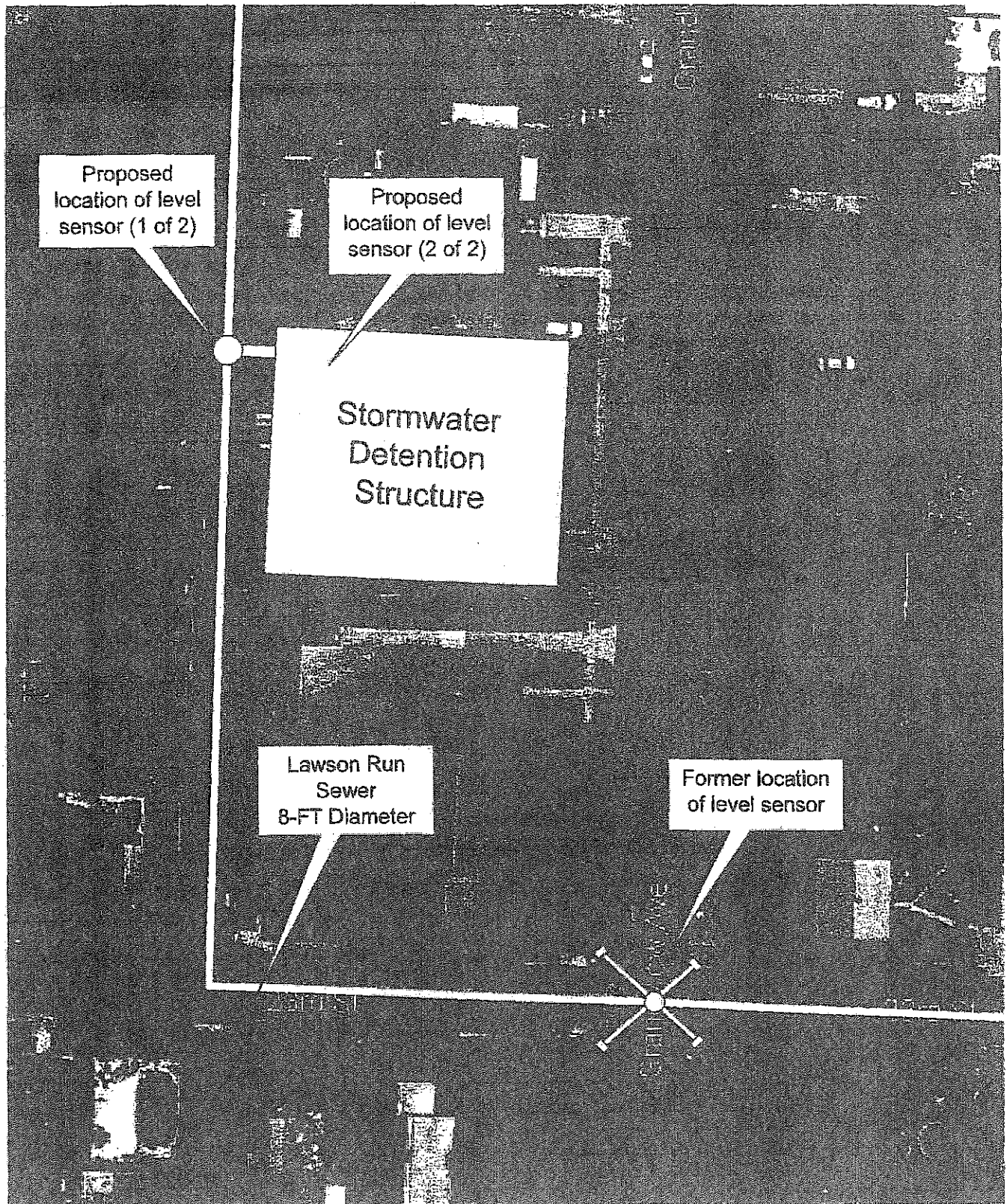




# **TYPICAL INACCURATE DATA FROM SENSOR AT 23<sup>RD</sup> AND GRANVIEW MANHOLE**

Sensor should indicate the flow level in the Lawson Run Sewer. "Spikes" correspond to inflow of water from catch basins located on street corners. The actual level of flow in the sewer was much lower.

EXHIBIT I, PAGE 3





TO: D. Allen

FROM: R. Duncan

DATE: 7/30/15

EXHIBIT J, PAGE 1

The wastewater level indicator at the intersection of 27<sup>th</sup> and Grandview Avenue was removed during the construction of the Upper Lawson Run Improvement Project. Due to its configuration in the manhole, the indicator frequently gave inaccurate information. The sensor needs to be relocated to a different section of the Lawson Run Sewer.

The existing telemetry system is out of warranty and we are having problems getting the supplier to respond to requests for maintenance. At least six of <sup>27</sup>23 telemetry locations are currently out of service and our personnel cannot get them to function. (See attached map.)

The Scioto County Sanitary Engineer currently utilizes cell-phone-based telemetry provided by Mission Communications, a national telemetry company. He is pleased with the Mission Communications system and has received good service from the company. Cell-phone based technology has numerous advantages to the system we are currently using, including the ability to be integrated into our current system, eliminating the need to replace what we have now all at once.

We are in receipt of a proposal from BL Anderson (the local representative for Mission Communications). The proposal includes two sensors: 1) in the Lawson Run Sewer (this would replace the previous telemetry station at 23<sup>rd</sup> and Grandview), and 2) in the Grandview Stormwater storage facility (this is an additional location). The proposal also includes a rain gauge at the station.

The proposal from BL Anderson is being reviewed.

## EXHIBIT J, PAGE 2



BL Anderson Company, Inc.  
 8887 Eagle Ridge Court  
 West Chester, OH 45089  
 513.889.4746 Voice  
 matt@blanderson.com  
 www.blanderson.com

July 30, 2015

Proposal No. 2003 EO

TO: Richard Duncan, PE  
 City of Portsmouth  
 Director of Wastewater and Flood Defense

SUBJECT: Proposal for Level Monitoring of EQ and Sewer at 2311 Grandview Avenue,  
 Portsmouth, Ohio

Dear Mr. Duncan,

BL Anderson is pleased to present this proposal to the City of Portsmouth to provide remote monitoring of the water level in the EQ facility and 9-foot-diameter sewer at 2311 Grandview Avenue.

BL Anderson's scope of work includes the equipment, installation, and startup support listed in Table 1 hereafter.

Table 1

Description	Price
Mission M800 RTU in NEMA 1 box with pulse board, first year of data service, and new account set up	\$ 3,000
Mission OPC Driver to pull in data to existing SCADA system (One time fee)	\$ 1,995
Siemens LR250 Radar with 2 inch threaded PVDF connection with explosion proof option 7ML5431-4PA20-0RH2, Includes hand programmer and power supply	\$ 4,240
TR-525-USW 8 inch aluminum powder coated rain gauge with heater option	\$ 849
BL Anderson Startup and Training (2 days)	\$ 4,800
SCADA Integration by Rawdon Myers	\$ 2,400
Electrical work (conduit, connection to electrical drop, mount control Panel) Note: (Electrical Drop by Others)	\$ 2,800
<b>Total Cost</b>	<b>\$ 20,084</b>

Proposal Validity: 30 Days from proposal date  
 Freight: FOB Factory with freight prepaid and included  
 Delivery: 4-6 weeks following receipt of a purchase order

**rduncan1@falcon1.net**

EXHIBIT J, PAGE 4

**Date:** Thu, 17 Sep 2015 11:38:25 -0400  
**From:** Joe Varatta <joev@rawdonsmyers.com>  
**Subject:** FW: Portsmouth  
**To:** "rduncan1@falcon1.net" <rduncan1@falcon1.net>  
**Cc:** Dennis Link <DennyL@rawdonsmyers.com>

Richard,

I'm forwarding a copy of our Dennis Link's findings in reference to his visit of September 9<sup>th</sup> 2015. Dennis Link and Larry Miller will visit Portsmouth tomorrow September 18<sup>th</sup> to view four stations they didn't get to in their last visit. We will forward a copy of Dennis and Larry's report. At that time we'd like to meet with you and lay out a action plan.

Thank you

**Joe Varatta**  
CEO | RAWDON MYERS, INC.  
300 Milford Parkway | Milford, OH 45150  
E: jvaratta@rawdonsmyers.com  
P: 513-965-6696 | F: 513-965-5314 | M: 513-460-0056  
www.rawdonsmyers.com

**From:** Dennis Link  
**Sent:** Thursday, September 10, 2015 8:45 AM  
**To:** Joe Varatta  
**Subject:** Portsmouth

Joe  
Electronic copy of yesterday's trip

Dennis Link  
Director of Engineering  
Office: 513-965-5300  
Direct: 513-965-6688  
Fax: 513-965-5313  
Cell: 513-460-0050  
Email: dlink@rawdonsmyers.com

**Attachment:** DAILY LOG Report\_09092015DL.doc (49k bytes) [Open](#)

EXHIBIT J, PAGE 5



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300 Milford Parkway • Milford, OH 45150 • (513) 965-5300 Phone • (513) 965-5314 Fax

---

**DAILY LOG REPORT****Job #: RM1689****Job Name: Portsmouth, OH****Comments:**

Larry Miller and I went to the job site to investigate the problems with the WWTP telemetry system. Upon arrival, we found that nine (9) sites were in data fail and were not communicating. Three (3) of the sites were not functioning due to known causes such as damaged from car taking pole down and or removed because the original site was being moved. These sites were: Buch Alley, 23<sup>rd</sup> & Grandview, and Ohio Power. The Ohio Power site was ready to be powered up and put back online. We checked the radio strength level coming into the plant and found no signal from Ohio Power, Woodland Heights, Kiff St., Stewart & Division, and Harding.

We went to the Ohio Power site after plant personnel powered the station back up and said they had no indication on the Multitrode screen. We were able to verify that the screen was blank and may have a multitrode issue at this site. We also found no radio signal leaving the site. We did find the coax connector was shorted out going to the polyphaser. Tried to clean up the connector, but recommend that the connector be replaced with a new one on our next trip. This site seems to have a multitrode issue that will need more investigation.

We also went to the Garage Lift Station since this site was also in failure mode. Plant personnel stated that this site had a new or repaired radio that had worked for awhile after Alan had replaced it, but began to fail. The radio RSSI level from this site looked good (-65dbm range) but still would not communicate. This site may also have a multitrode issue with communications.

There is a defective computer monitor on the primary computer at the plant, so we had to rely on the backup computer. All of the flood station sites were communicating and seemed to be functioning properly. We will need to further investigate the four sites on the East side of town to check why there is no signal coming from them. We believe that they are being repeated through The Scioto WWTP which was functioning about 90% of the time with good communications.

We believe that some of the issues are being caused by marginal coax connectors and may have some multitrode communication problems. Per plant personnel, they have powered down some sites and have had some success with powering them back up to get communications functioning. This procedure doesn't work at all sites though. Multitrode did have a time out issue at one time which should have been corrected with a firmware upgrade a couple of years ago.

In conclusion, at least another trip will be needed to replace some coax connectors and further investigate multitrode issues and radios on the East side of town.

**Signature: Dennis Link**

**Date: September 9, 2015**



**Desai, Sudhir**

---

**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Tuesday, September 29, 2015 1:46 PM  
**To:** Prichard, Gary  
**Cc:** Desai, Sudhir  
**Subject:** City's MOM

---

Gary:

I requested a copy of the city of Portsmouth's Management, Operations, and Maintenance plan from the state of Ohio EPA. I've been informed that U.S. EPA has it. Could you please have someone locate it for me and send me a PDF copy as soon as possible?

Thank you.

Jane

**M. Jane Murray**

[www.wegottroublerighthereinriverscity.blogspot.com](http://www.wegottroublerighthereinriverscity.blogspot.com)





**Desai, Sudhir**

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**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Wednesday, September 30, 2015 9:18 AM  
**Subject:** Wouldn't the public love the facts

So you will know what the PDTimes is parroting and what the facts are. Did they publish ANY photos of what we suffered July 14, 2015? The answer is NO!

Council members, get the facts. We need you to do that:

<http://wegottroublerighthereinrivercity.blogspot.com/>

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)



Desai, Sudhir

---

**From:** Jane Murray <mjanemurray@yahoo.com>  
**Sent:** Friday, October 02, 2015 9:23 AM  
**To:** Prichard, Gary  
**Cc:** Desai, Sudhir  
**Subject:** Re: City's MOM

Gary:

I have received a copy of the city's MOM and thus no longer need you to provide one to us.

Thanks very much,

Jane

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)

---

**From:** Jane Murray <mjanemurray@yahoo.com>  
**To:** Gary Prichard <prichard.gary@epa.gov>  
**Cc:** Sudhir Desai <desai.sudhir@epa.gov>  
**Sent:** Tuesday, September 29, 2015 2:46 PM  
**Subject:** City's MOM

Gary:

I requested a copy of the city of Portsmouth's Management, Operations, and Maintenance plan from the state of Ohio EPA. I've been informed that U.S. EPA has it. Could you please have someone locate it for me and send me a PDF copy as soon as possible?

Thank you.

Jane

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)



**Desai, Sudhir**

---

**From:** Desai, Sudhir  
**Sent:** Monday, October 19, 2015 3:34 PM  
**To:** Maraldo, Dean  
**Subject:** FW: Letter from residents affected by July 14 2015 CSO basement backups  
**Attachments:** Letter to Regional Administrator Hedman et al from Area Residents Regarding Repeated Sewage Backups.pdf; Portsmouth Ohio July 14 2015 Storm Aftermath and Basement Backups October 2015.pdf; July 7 2015 email to B Van Til and Dean Maraldo re Underground Retention Basin and other questions from Portsmouth neighbors.pdf; Derek Allen July 15 email to Jane Murray.pdf; city door to door list July 14 2015.pdf

---

Hi Dean,

Pat suggested I share the below information with you.

I got the below message from Jane Murray of Portsmouth, OH today. I plan to brief Pat and others involved.

Thank you.

Sudhir

**From:** Jane Murray [mailto:mjanemurray@yahoo.com]  
**Sent:** Monday, October 19, 2015 2:46 PM  
**To:** Desai, Sudhir  
**Subject:** Fw: Letter from residents affected by July 14 2015 CSO basement backups

Sudhir:

My sincerest apologies. I accidentally sent this email to your personal email address to which I've sent pictures of my dog Annie.

I hope this in no way creates a problem for you.

Jane

**M. Jane Murray**

[www.wegottroublerighthereinrivercity.blogspot.com](http://www.wegottroublerighthereinrivercity.blogspot.com)

----- Forwarded Message -----

**From:** Jane Murray <mjanemurray@yahoo.com>  
**To:** Susan Hedman <hedman.susan@epa.gov>; Robert Kaplan <kaplan.robert@epa.gov>; Tinka G. Hyde <hyde.tinka@epa.gov>; Patrick E. Kuefler <kuefler.patrick@epa.gov>  
**Cc:** Sudhir Desai <sudhirvdesai@aol.com>; Gary Prichard <prichard.gary@epa.gov>; Larry Essman <lessman@roadrunner.com>; Robert Forrey <robert.rforr1@gmail.com>; Ruth Marasek <ruthmarasek1@msn.com>; Brenda Mccane <brendamccane@yahoo.com>; Alan Barlow <aqbarlow@frontier.com>; Travis Smith <jeeppmaster83@live.com>; Janice Shanks <janiceshanks@yahoo.com>; Vicci Felts <viccifelts@gmail.com>; Donna Voorheis <donnavoorheis40@gmail.com>; Sue Zoellner <shadowz05@aol.com>; Debra Atkinson <dmlas18@yahoo.com>; Teresa Kelly <kellymiel1000@yahoo.com>; Cindy Burke <ahehl1920@gmail.com>; Tom Lowe <tklowe55@gmail.com>; Jennifer Witte <jennifer.witte@epa.state.oh.us>; "jack.knapp@epa.ohio.gov" <jack.knapp@epa.ohio.gov>; "ken.mettler@epa.ohio.gov" <ken.mettler@epa.ohio.gov>; "marco.deshaies@epa.ohio.gov" <marco.deshaies@epa.ohio.gov>; "laura.factor@epa.ohio.gov" <laura.factor@epa.ohio.gov>

**Sent:** Monday, October 19, 2015 3:09 PM

**Subject:** Letter from residents affected by July 14 2015 CSO basement backups

Please see attached letter and documents.

For further information, you may wish to peruse my blog at:

<http://wegottroublerightthereinrivercity.blogspot.com/>

Thank you.

Jane Murray

**M. Jane Murray**

**WeGotTroubleRightHereInRiverCity**

October 19, 2015

Susan Hedman  
Regional Administrator  
U.S. EPA Region 5

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Robert A. Kaplan  
Deputy Regional Administrator

Tinka Hyde  
Director, Water Division

Patrick Kuefler  
Chief, Enforcement Section

City Councilmembers, City of Portsmouth

Dear Administrator Hedman, Deputy Regional Administrator Kaplan, Director Hyde, Mr. Kuefler, and City of Portsmouth Officials:

As you may know by now, we have once again had widespread CSOs, potentially SSOs since the construction involved separating sewers, and backup in our homes. We have gathered some information and photos and have thus far confirmed combined sewer/storm water back up in 23 houses on 5 streets. City records confirm another 8. **Thirty-one** and we know there are more. A brief history, questions, and requests follow.

1. The backups began in 1997 after build-out at the hospital; other development has occurred since and the city did not require any or adequate storm water run-off controls. Ohio EPA records speak to this.
2. Large, widespread backups in 2008 led U.S. EPA to request changes to the city's LTCP prepared by Stilson & Associates. Rick Duncan hired Strand & Associates to prepare the revised plan for more than \$125,000 but it was not 'approvable' according to the Agency.
3. Mayor Jane Murray was compelled by the Agency in 2010 under Sec. 308 of the Clean Water Act to submit an approvable plan (see attached letter to Mayor Murray from Director Hyde). The key reasons are very clear:

## II. DEVELOPMENT OF A LONG TERM CONTROL PLAN

EPA has reviewed the LTCP submitted by Portsmouth in 2006, as well as the Update to the LTCP submitted in June 2009. Based on the review, EPA has determined that Portsmouth has not (1) developed and selected alternatives to control its CSOs consistent with EPA's *Combined Sewer Overflow Control Policy* (59 *Federal Register* 18688, April 19, 1994), and (2) developed an acceptable schedule to implement CSO controls. To address these deficiencies, and satisfy the requirements of 40 C.F.R. § 122.41(m) pertaining to secondary treatment bypasses, this request requires Portsmouth to develop and submit a revised LTCP which: (1) ensures that the City constructs measures to eliminate or, to the extent that elimination is not feasible, reduce to the fullest extent feasible the number and volume of bypasses around secondary treatment units at Portsmouth's wastewater treatment plant and (2) ensures that Portsmouth's CSOs comply with the requirements of the City's NPDES permit and the CWA. The revised LTCP shall include information which satisfies the requirements of paragraphs 1 to 14 below. To the extent that any of Portsmouth's previous work produced information required under this request, Portsmouth should reflect that information in the revised LTCP.

Some of the Residents & Homeowners of Portsmouth, OH Affected by Repeated CSO Backups Into Our Basements

4. Mayor Murray hired Environmental Engineering Services and they worked with the city and the Agency, held a public meeting and submitted a plan in October 2010. Their work cost \$25,000.
5. US EPA approved the submitted plan in April 2011.
6. Phase 1 of this plan was designed to address the basement backups in the Grandview neighborhood. Its cost was \$1.4 Million and would have been in place in 2013.
7. The total plan was phased so that the city would be in compliance and the final phase which cost \$34 Million would not have to be built.
8. After Mayor Murray's recall, the new administration hired back Richard Duncan, the wastewater director that Mayor Murray fired. He and the city hired back Strand & Associates and an environmental attorney and asked the Agency to set aside the approved plan.
9. A new manager of Portsmouth's case was brought on board by the Agency, Ms. Barbara VanTil. She and Mr. Sudhir Desai met with former Mayor Murray in early December 2011. Ms. Murray expressed her displeasure with the delays and asked why the plan was set aside.
10. Ms. VanTil stated that the city and Strand wanted to look at what was being done in Cincinnati and perhaps adopt some of their strategies. At Ms. Murray's insistence, Ms. VanTil promised us that she would move quickly and it didn't matter that the holidays were upcoming.
11. More than a year later, however, the city submitted a revised plan and the Agency incorporated it in an AOC to which the public was asked to respond.
12. A public hearing on the Agency's AOC was held in February 2013. Numerous questions were asked but in our opinion not satisfactorily answered. One important question was asked by Dr. Robert Forrey and we bring it to your attention. The following is from his blog:  
<http://rivervices.blogspot.com/2013/02/oh-epa-death-by-chocolate-death-by.html>

The question I asked the panel on stage was how come there was no mention during the Information hour of the important statement in the agreement that charged the Respondent (the city) with repeated violations of the Sciotoville and Portsmouth permits governing the city's handling of sewage water and storm water, and the violation by the city of the requirements of Section 301 of the Clean Water Act, the federal law governing polluted water throughout the United States. What follows is a photocopy of the section of the agreement I am alluding to:

F. Respondent has repeatedly had SSOs in violation of Part I.B.1 and II.O of the Sciotoville Permit, and in violation of part II.F of the Portsmouth Permit. Respondent has also repeatedly had discharges from its CSO outfalls that violated one or more of the General Effluent Limitations in Part III.2 of the Portsmouth Permit.

G. Each of Respondent's SSOs described in Paragraph F, and discharges from CSO outfalls described in Paragraph F, constitutes a violation of the requirements of Section 301 of the Clean Water Act.

**From the draft agreement between OH EPA and city of Portsmouth**

It was Duncan who answered my question why the charges against the city (and him principally) had not been mentioned. He said the part of the draft agreement I referred to was "boilerplate" language and didn't really mean much. His answer like his Power Point presentation was an effort to deceive and obfuscate. The Respondent referred in F of page 4 of the draft agreement is not just anybody or any city; it applies specifically to Portsmouth, which a number of times, during storms, had discharged raw sewage into the Ohio River. I asked the panel if they agreed with Duncan that it was boilerplate language and didn't really mean



much. The EPA representative, Barbara VanTil, sitting immediately to Duncan's left on the panel nodded her head in agreement with him and murmured "Yes."

13. Does the Agency agree with Ms. VanTil's response? We found and find it incredulous. Does the Agency not take enforcement seriously? Does the Agency allow its representatives to make such "misrepresentations" with impunity? Does the Agency agree with a phased approach over many years to eliminate SSOs and CSO backups into our homes?
14. The Agency approved the city's requested changes in a revised AOC 09/27/2013.
15. The city hired Strand to do Phase 1 which was to address the basement backups in the Grandview area. The city spent more than \$4 Million in design and construction fees, built the project in 2014 and 2015 and YET we and our neighborhood had a massive sewage backup July 14, 2015. See Grandview Area Sewage Backups July 14 2015 (attached)
16. We have made repeated inquiries since the Agency's approval of the city's revised plans in 2013 as to the veracity of the engineering calculations and other plan requirements. And, we have repeatedly asked the city for public meetings. The latest request to the Agency was dated July 7, 2015 (see attached). We have had NO responses from the Agency nor the city.
17. The city submitted the "Lawson Run Sewer Separation Feasibility Report" May 2015, three months later than initially required by the 2013 AOC. We are still reviewing the Strand/City Sewer Separation Report but initially are very concerned about the costing procedures and their veracity and are quite concerned about statements such as those found at: **4.04 SEWER SEPARATION FEASIBILITY REPORT PART III CONCLUSIONS** - *It has been found that separation of LRTS is technically feasible by traditional construction methods. A present value construction cost was developed; however, it is not recommended the City move forward with LRTS separation without first comparing this approach, its cost, and CSO reduction to existing alternatives.*
18. Essentially, this is the same approach that Strand and the City took in 2009 – **millions of dollars more for MORE STUDIES!** All the while, complaining there is NO money.
19. **To reiterate for emphasis** - Strand submitted updates to the city's Long Term Control Plan to the Agency in 2009 (at the cost of \$125,000+ to the tax payers), no public meeting was held though Strand and the city said there would be, and the Agency said the plan not "approvable"; ergo, the January 2010 Information Request Under Section 308 of the Clean Water Act letter signed by Director Hyde to Mayor Murray.
20. Strand's updates were based on the city's Long Term Control Plan prepared by Stilson & Associates that had been previously submitted to the Agency at a cost to the taxpayers of more than \$610,000.
21. During Mayor Murray's tenure, the Long Term Plan updates required by the 308 letter were completed by Environmental Engineering Services, a public meeting held, and the final report submitted in October 2010. As previously stated this was approved by the agency in formal action in April 2011.
22. The city (its taxpayers) have paid Strand & Associates nearly \$1 Million in fees in the past year and a half, and have once again given the Agency a plan that is not approvable, just like we taxpayers have paid for the \$4 Million + project Strand recommended to solve the basement backup problem that July 14, 2015 proved was **NOT** solved at all.
23. While the Agency has no control over what the city council approves, the Agency does have the technical ability and the legal responsibility (Sec. 309) to enforce the AOC and laws under the Clean Water Act and the requirements under the city's NPDES permit. We respectfully request that you do just that **NOW**. We have **NO** faith in the city of Portsmouth.
24. The Agency was making progress we feel toward correcting the problems until Ms. VanTil took over the Portsmouth case. We have no confidence in her or her involvement to protect us. It appears she is merely allowing the city and Strand do whatever they want without regard to effect.
25. We, the undersigned, representing but a few of our neighbors in Portsmouth ask that you immediately remove Barbara VanTil from the Portsmouth case and any further involvement including any supervisory role.
26. We also request that you require the city to immediately (yesterday is preferable) reinstall the telemetry equipment it moved, installed and then took out and operate under the operational change per Mr. Bramscher's October 2008 letter. The city manager now states that a different system will be installed

Some of the Residents & Homeowners of Portsmouth, OH Affected by Repeated CSO Backups Into Our Basements

"sometime in 2016". His records also reflect that the city did not maintain the telemetry equipment. Copies of this have been forwarded to Mr. Desai and Mr. Prichard.

27. We have requested through our Council member, Mr. Meadows, that a public meeting organized and moderated by the residents be held soon so that we can present information and ask questions and get definitive answers. We believe the public has been misled as to the projects and the costs and we believe even the city council is not aware of the complicated history and costs. We respectfully request that the Agency send appropriate personnel and specifically invite the new Chief of Enforcement Mr Kuefler and Mr. Desai to attend this public meeting, as well as any other Agency personnel you deem appropriate. We would like to schedule it as soon as possible.
28. We respectfully request that owing to his incompetence and repeated lack of regard for us, our homes, property and health, that the City Council by resolution require the city manager to fire Rick Duncan. It is to everyone's benefit that he be replaced with an honest, honorable and eminently qualified civil engineer.
29. We request that City Council immediately cancel any contract work with Strand & Associates.
30. Would any of you buy our houses?

On behalf of ourselves and our neighbors, please advise us of your decisions with respect to the above questions and requests.

Sincerely,

Ruth and Bob Marasek  
2309 Grandview Avenue

Donna Voorheis  
2407 Grandview Avenue

Brenda McCane  
2505 Shawnee Road

Larry Essman  
2417 Grandview Avenue

Amy Sand  
2730 Shawnee Road

Cynthia Hehl-Burke  
2718 Shawnee Road & 2501 Shawnee Rd.

Debra Atkinson  
2329 Grandview Avenue

M. Jane Murray  
1920 Dorman Drive

Susan McQuinley  
2411 Grandview Avenue

Sue & David Zoellner  
2306 Grandview Avenue

Teresa Kelly  
2227 Grandview Avenue

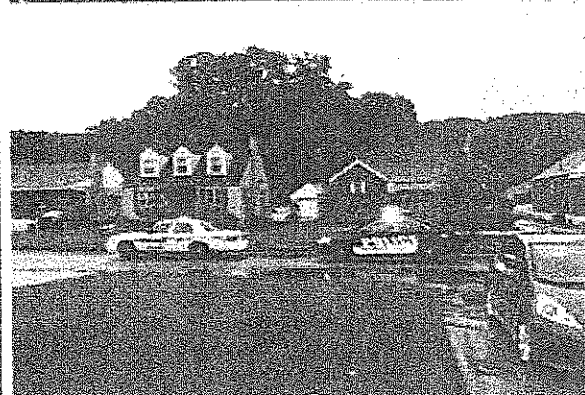
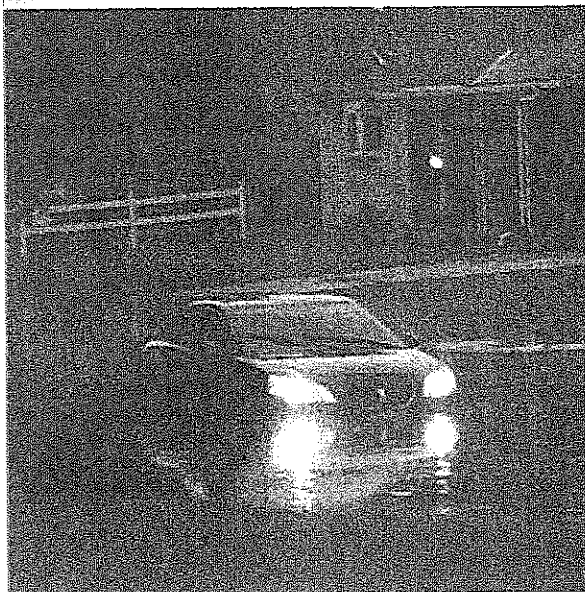
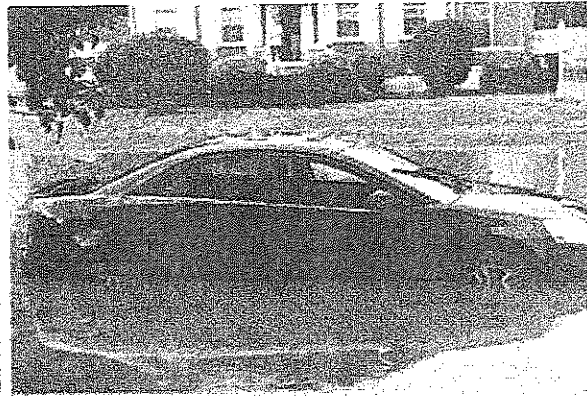
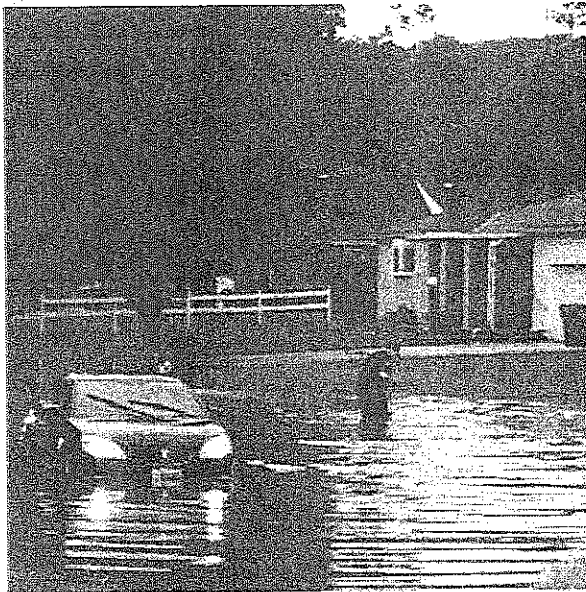
Cc: Sudhir Desai, US EPA  
Gary Prichard, US EPA  
Residents  
OH EPA Officials  
City Manager Derek Allen  
City Solicitor John Haas  
City Auditor Trent Williams

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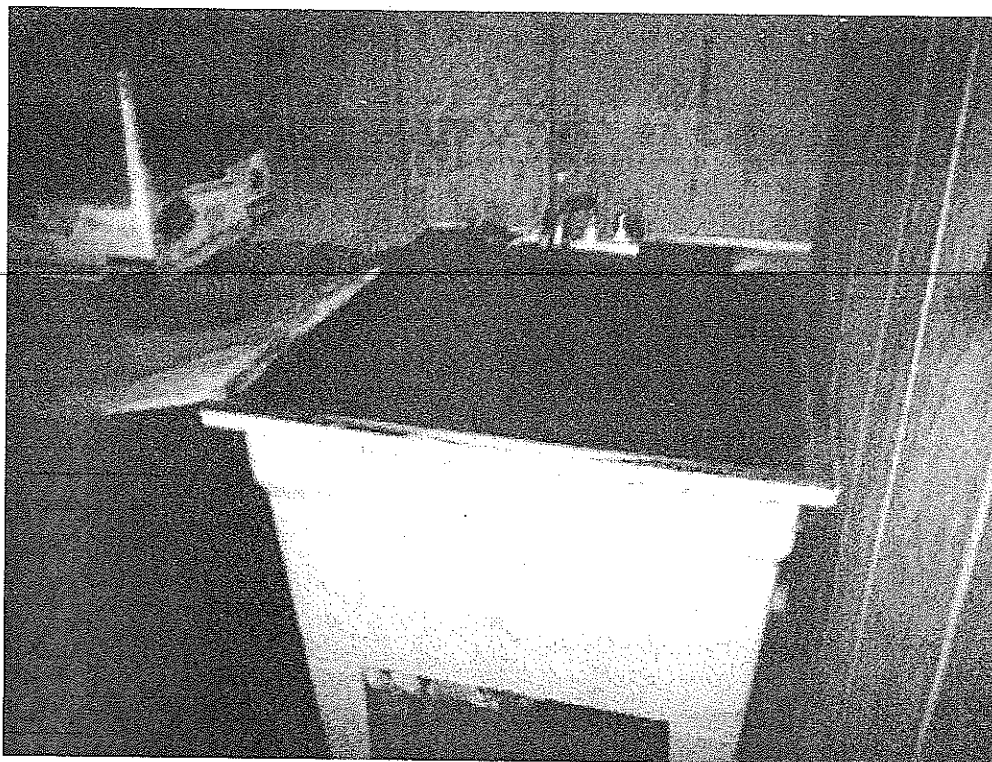
Portsmouth Ohio  
Storm

Tuesday, July 14, 2015

Began Approximately  
5:20 – 5:25 pm



Grandview at Dorman Drive



2718 Shawnee Road

"We stopped going north in the 2700 block of Grandview when every resident stated that they were dry and had no water at all in their basements." Derek Allen, Portsmouth city manager.





video of 2730 Shawnee.MOV

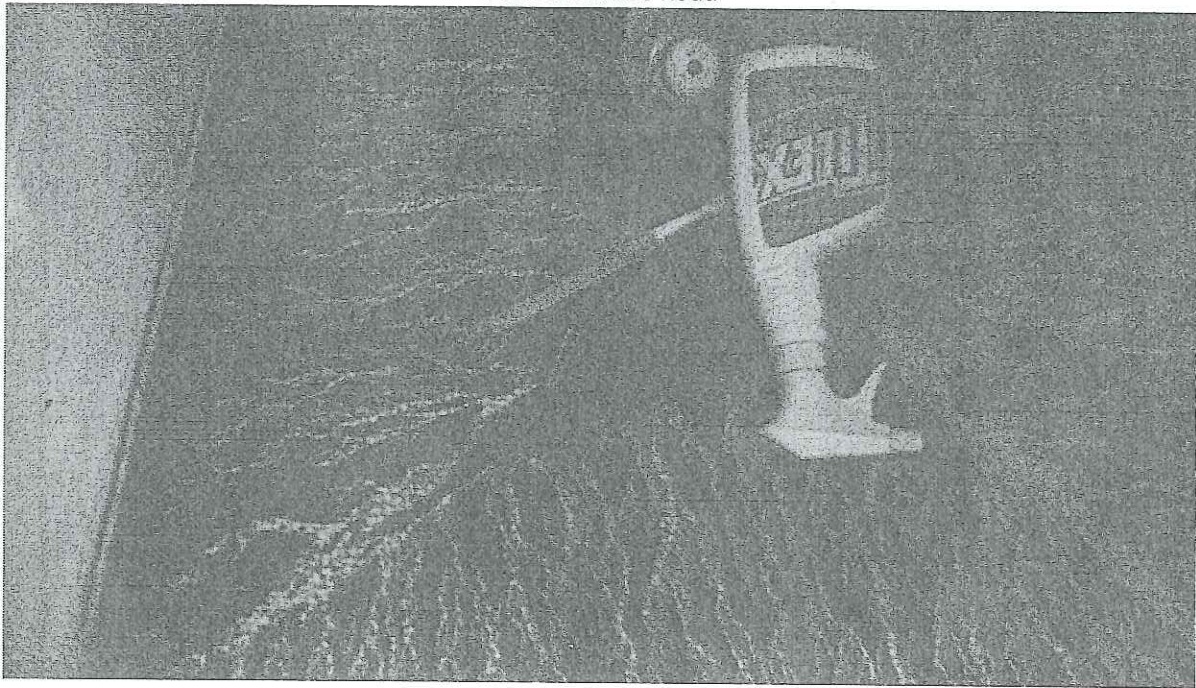


2730 Shawnee After Slowed.MOV

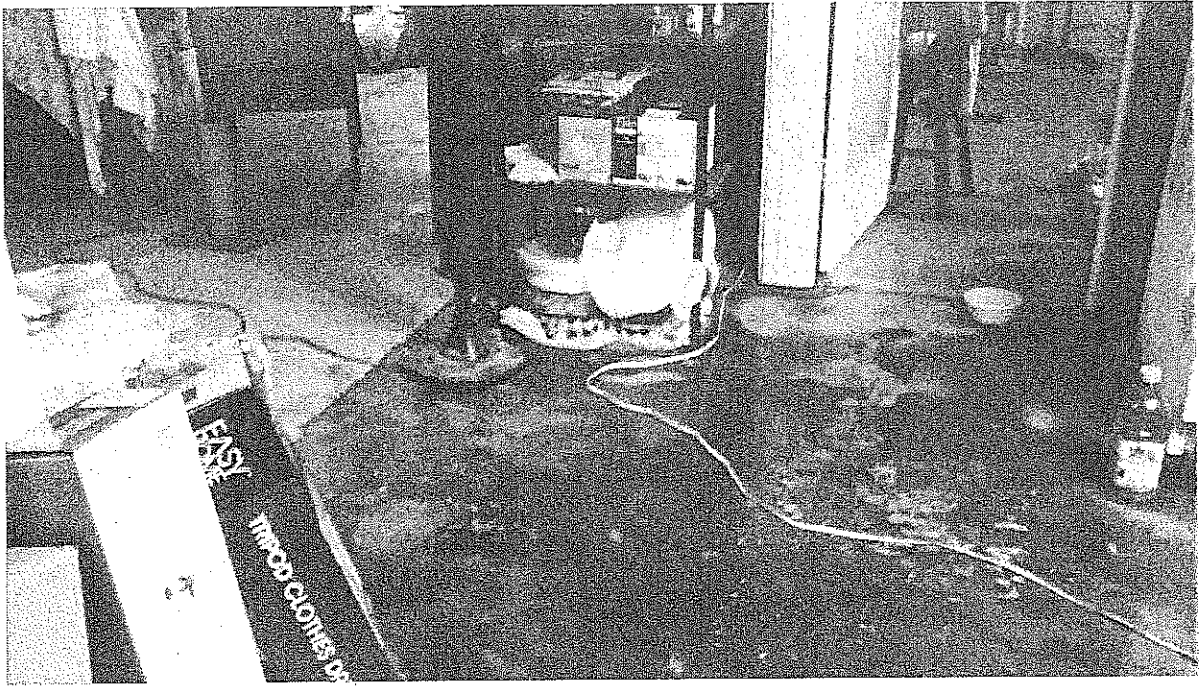
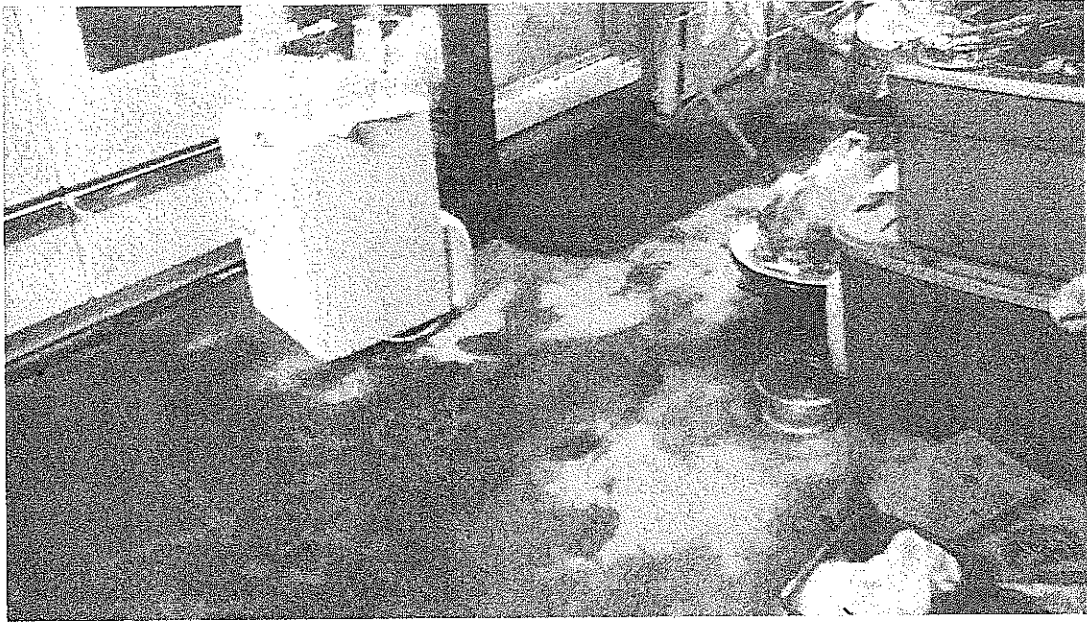




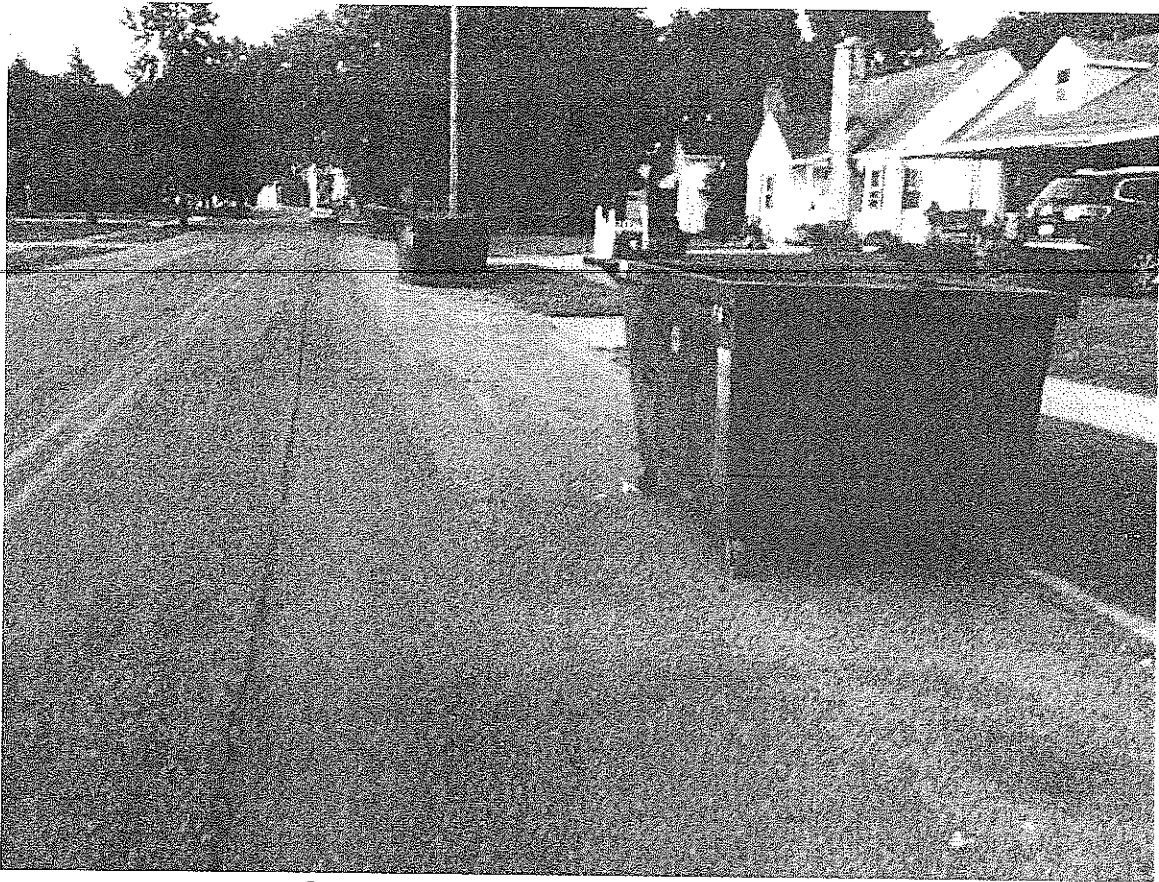
2505 Shawnee Road



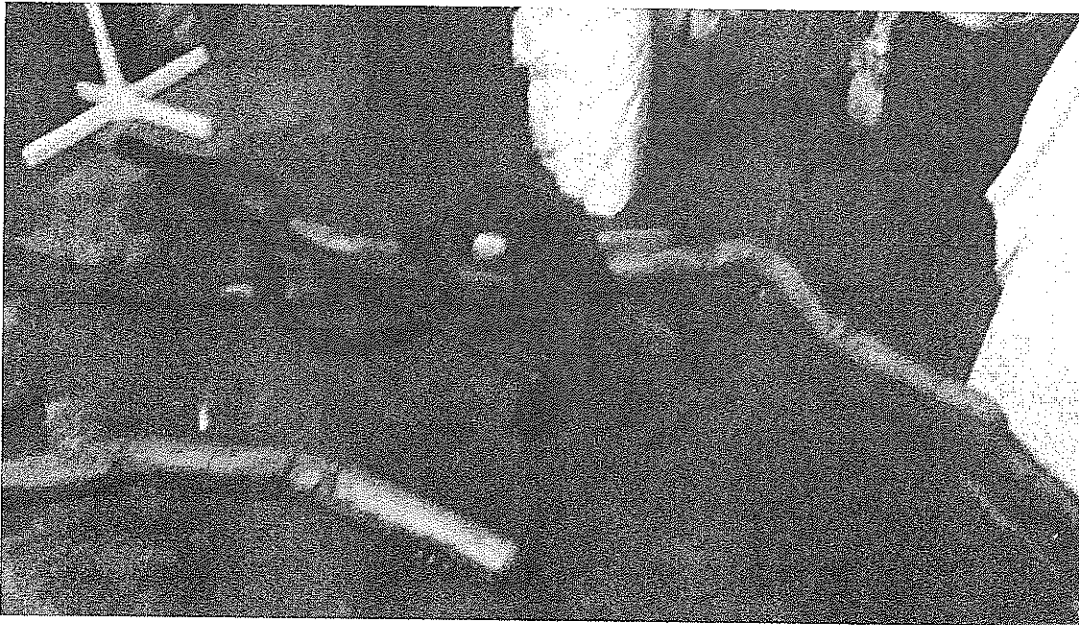




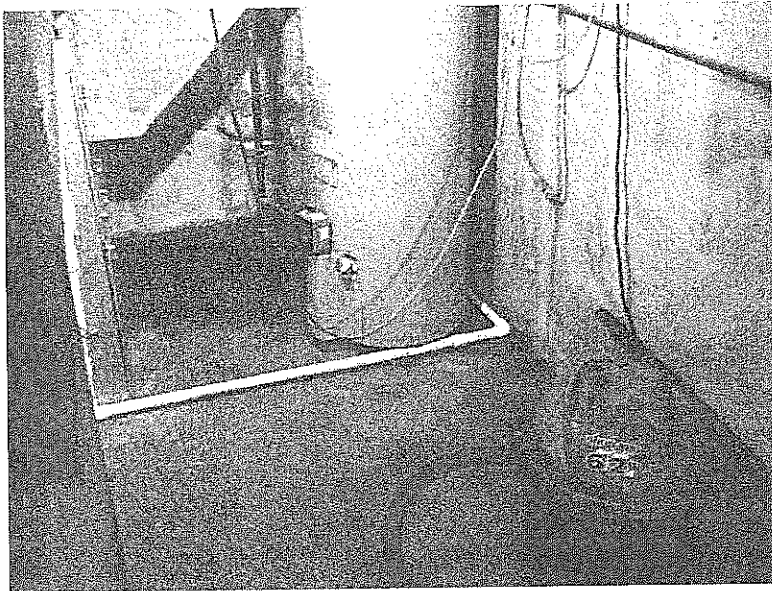




Dumpsters Need at 2718 & 2726 Shawnee Road



2309 Grandview



1920 Dorman

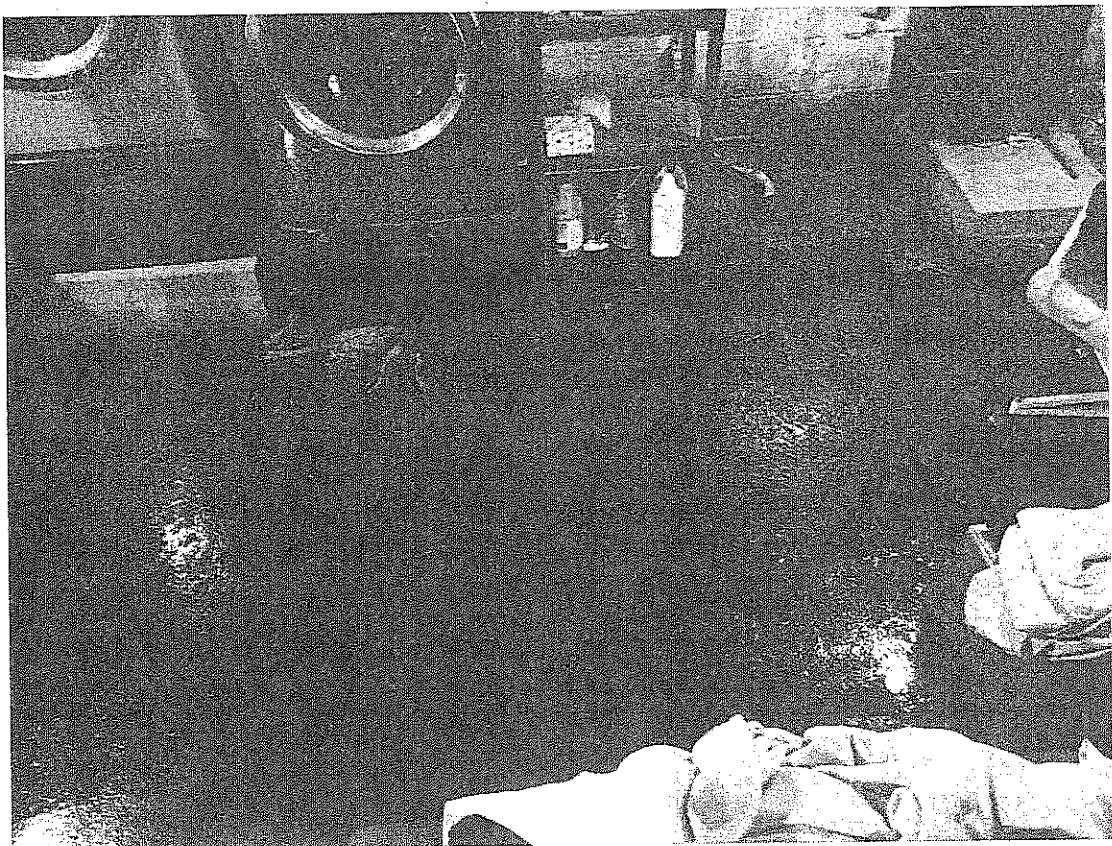


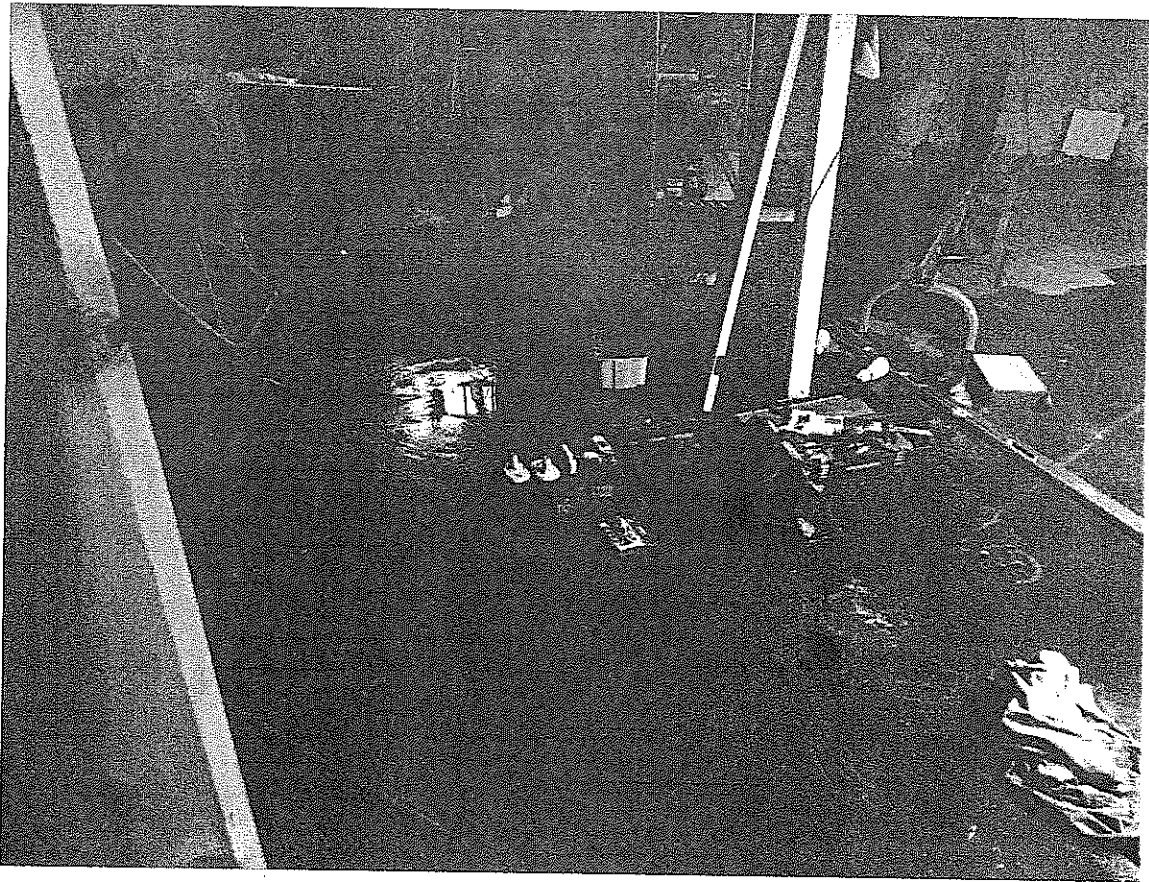
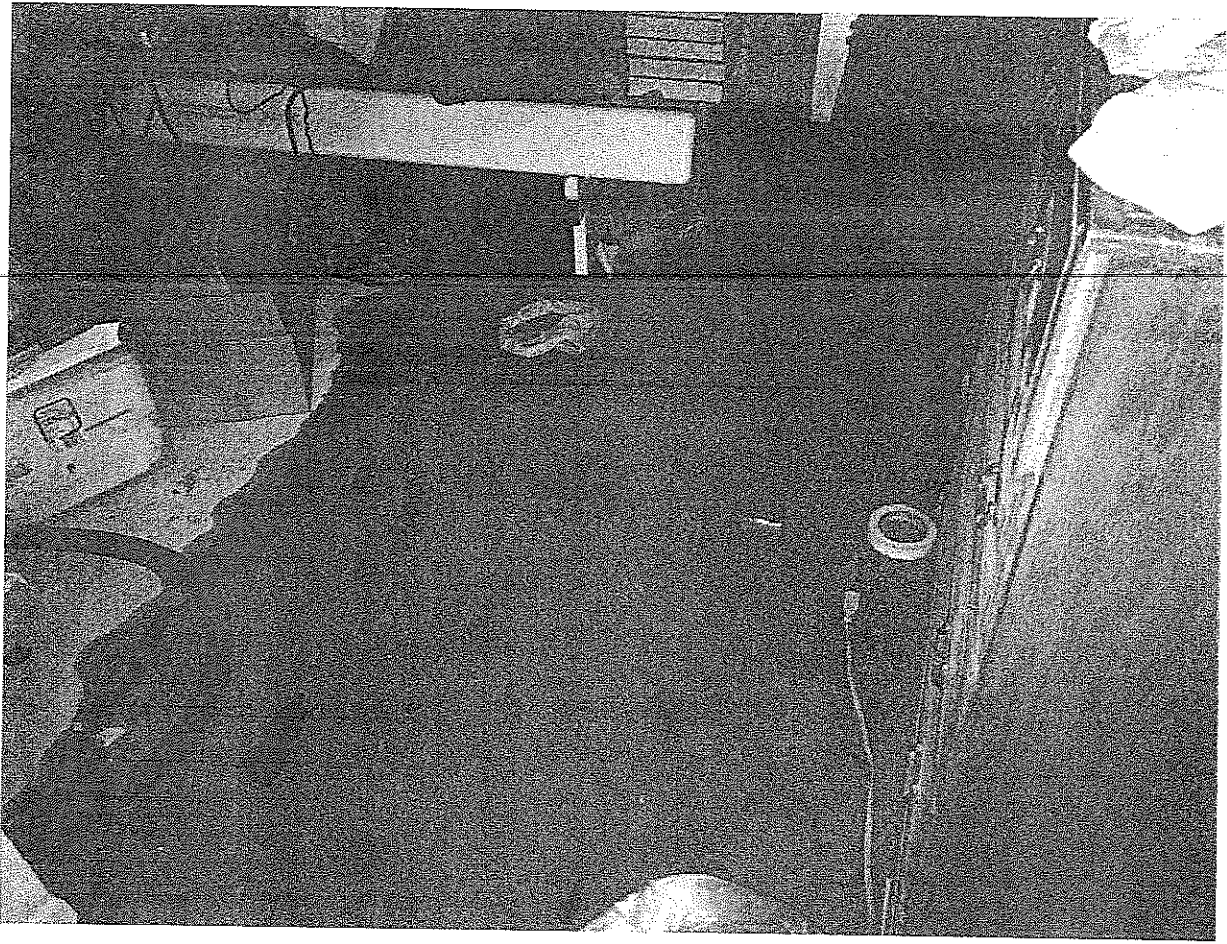
2623 Shawnee Road



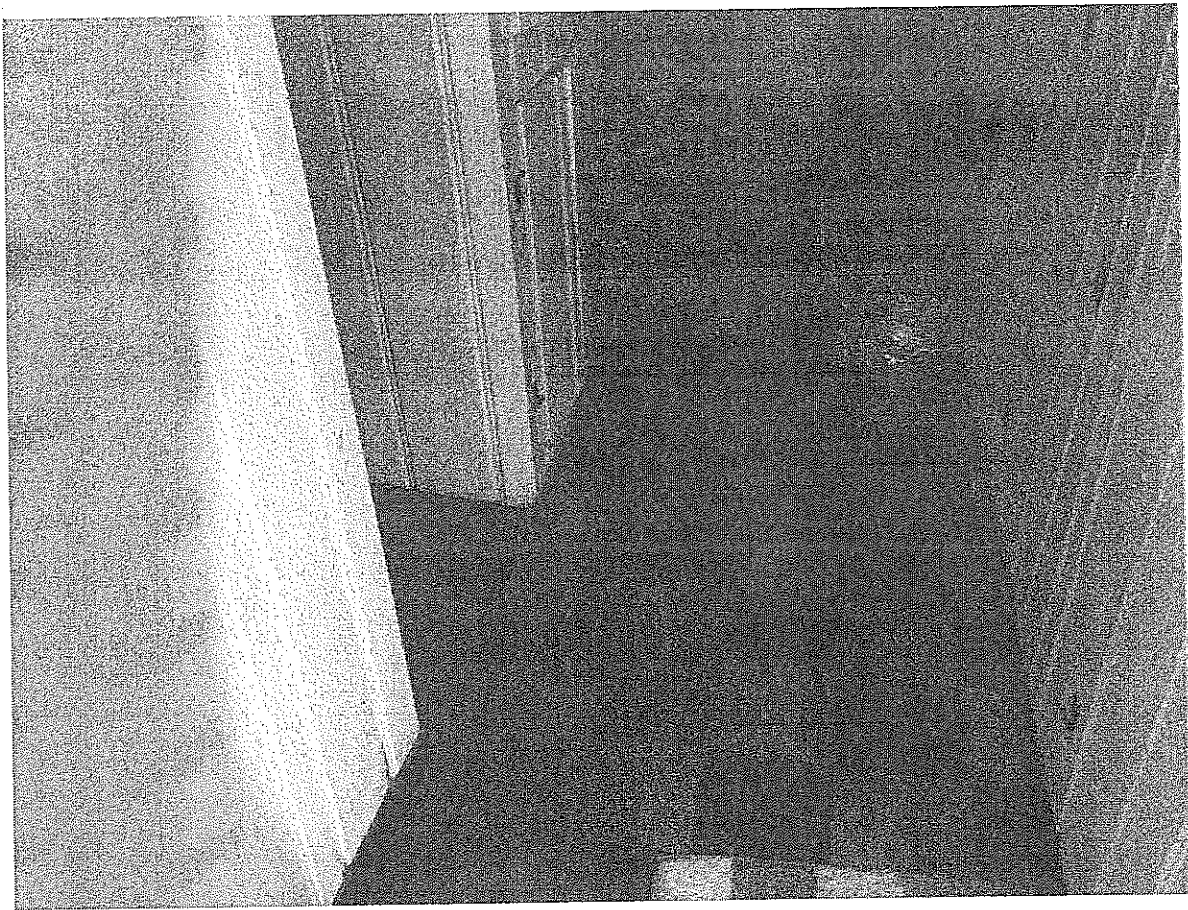
Shawnee & 25<sup>th</sup> Street — hospital uphill to right  
This photo and the following were taken by city employees and elected officials  
and provided under Ohio Open Records request

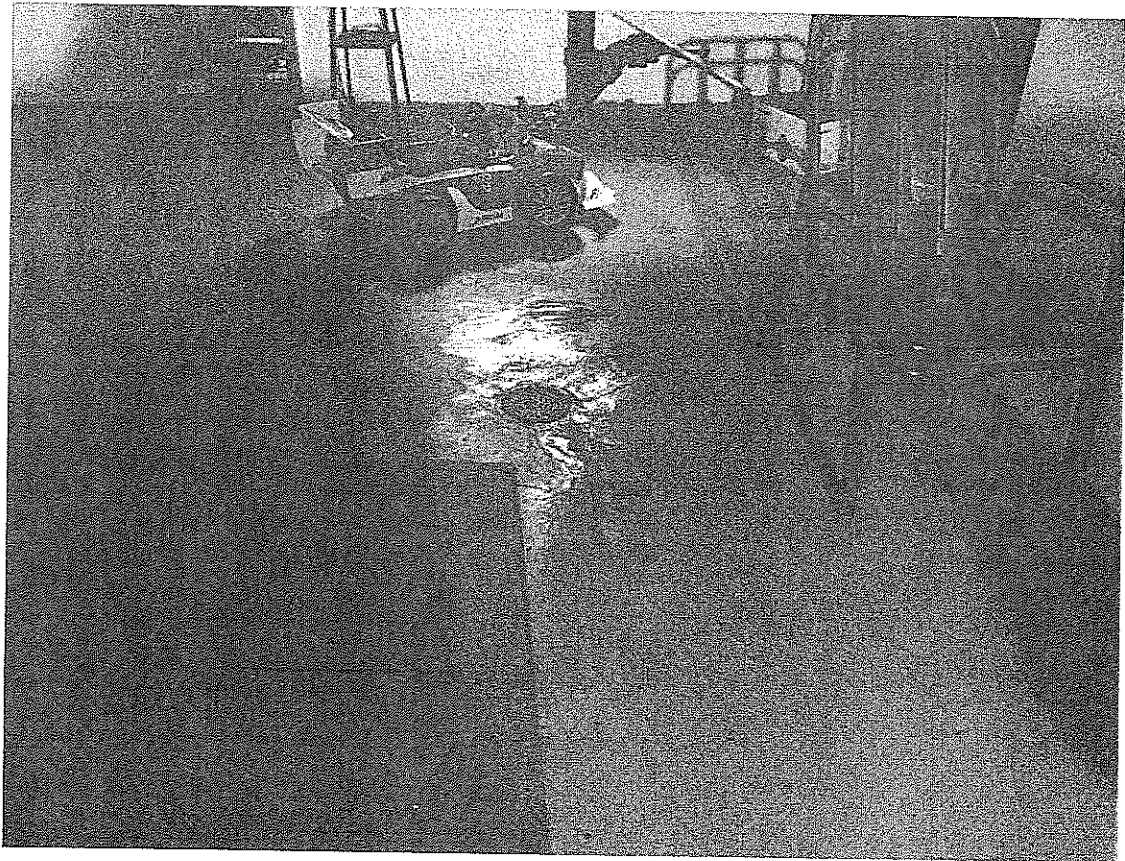
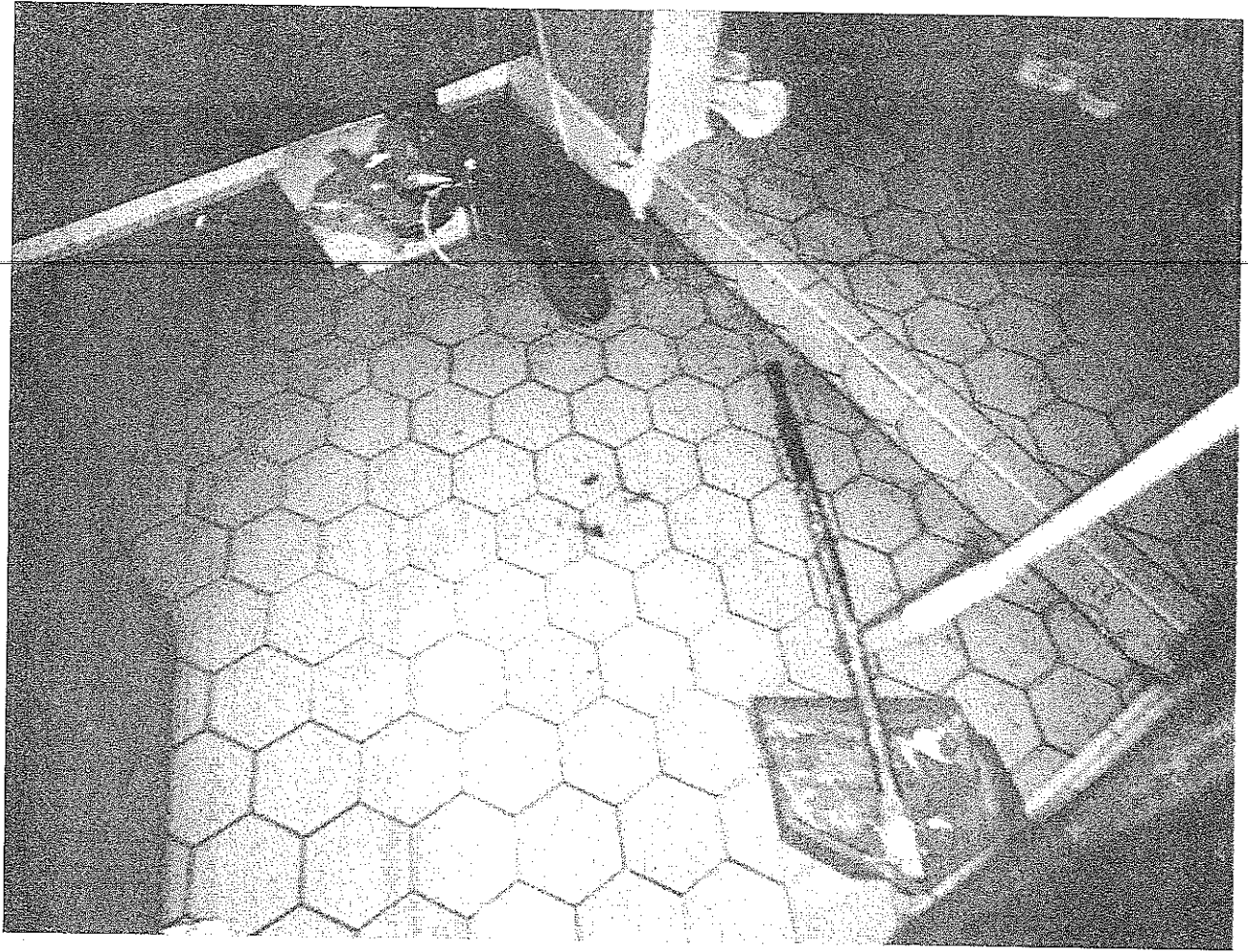
















## Underground Retention Basin & Other AOC Compliance Issues

People:

- Jane Murray <mjanemurray@yahoo.com>
- 
- Jul 7 at 4:48 PM

To

- Barbara VanTil
- Dean Maraldo

CC

- Tinka G. Hyde
- Gary Prichard
- Sudhir Desai
- Councilmember Gene Meadows
- Larry Essman
- and 3 more...

Barbara:

We have some questions for you regarding the build-out by the City to address the 18-year old basement CSO back-up and its efforts to comply with the Agency's AOC.

1. Has the City submitted engineering data to the Agency as requested regarding the smaller underground storage basin built on Grandview?
2. If so, what is the Agency's determination regarding sufficiency to correct our basement flooding problems in the Gandview/Shawnee/25<sup>th</sup> Street area?
3. If the City has not submitted the required data, when will it be submitted?
4. The City had the telemetry equipment on Grandview Avenue at 23<sup>rd</sup> Street removed last week. Was this premature? What evidence is there that it should have been removed prior to the Agency's determination regarding revised plans, smaller than proposed underground storage, etc.? For your information, this was installed in 2010 at the suggestion of the Agency and part of an operational directive. This was done to protect us and give advance warning to the plant operators that the system is reaching overload in our neighborhood.
5. We have asked for public meetings so that we can learn what has and is being done and so that we might ask questions. Our requests by the City have gone unanswered. In view of that, we once again request that the Agency hold a public meeting as soon as practicable so that we can learn, ask questions, and get definitive answers. We realize you can ask the City to attend and they will comply with your request.
6. As a result of last week's rains, some in the neighborhood have experienced some minor basement backup. Others experienced seepage and overland storm water flooding. We are still contacting neighbors and will put together a more complete list; however, it must be stated that many of our more active neighbors who have had repeated massive backups for more than 18 years have moved and or died. We haven't had time to establish contact with any new owners/residents. Also, last week's rain would not be categorized as a major event.

7. The storm water configurations on 25<sup>th</sup> Street and the confluence of 25<sup>th</sup> & Grandview have been drastically changed with the recent subsurface work and pavement resurfacing. Again, we have not been privy to information on the rationale or efficacy of such changes but question the outcome as Mr. & Mrs. Essman observed storm water running down 25<sup>th</sup>, bypassing the storm water drains and crashing into the street. Photos show that storm water grates were completely removed on 25th Street. There are NO surface drains except one at a fall-out to a 4# or so PVC pipe on the north side of 25th (and at residence) and one small round open drain at the 25th and Grandview intersection.
8. The hospital, SOMC Hospice & Laundry, Hillview Retirement Center, a private doctor's office and other development has occurred in our neighborhood that does not comply with local ordinances & regulations and are not addressed, we believe, in the previous engineering calculations submitted by the City as part of the AOC. Have you since received these data?
9. The downspout removal program initiated by the city that affects ONLY some 60+ residences in the area has been poorly and unevenly implemented. In fact, we contend, as Mr. Essman has repeatedly written, that this program has merely made the water seepage problem worse!
10. Also, no other retrofitting has been required by entities such as those noted in #8. Once again, in your review of compliance to the AOC we ask the Agency to review this so that we might understand and possibly seek redress.

Thank you for your attention to this request.

Jane Murray & Larry Essman

**M. Jane Murray**

## RE: Combined Sewer Backup & Overland Storm Water Flooding

People

- [Derek Allen <DAllen@portsmouthoh.org>](mailto:DAllen@portsmouthoh.org)
- 
- Jul 15 at 12:15 PM

To

- Jane Murray
- Gary Prichard
- Barbara VanTil
- Tinka G. Hyde
- John Haas
- [rduncan1@falcon1.net](mailto:rduncan1@falcon1.net)

CC

- Susan Hedman
- Dean Maraldo
- Sudhir Desai
- Councilmember Gene Meadows
- Kevin E. Johnson
- and 10 more...

Dear Ms. Murray:

City employees and City Police went door to door last night after the rain event. I was present and coordinated this effort. We went to every house we could (however, you are correct we did not go to yours) and asked if the residents had water or flooding in their basement. We stopped going north in the 2700 block of Grandview when every resident stated that they were dry and had no water at all in their basements.

Each house was checked, address and name taken and recorded. If the occupant said they had water we went in and viewed and took pictures. In every instance there was no evidence what-so-ever of CSO backup. Any house that had water, the water was clear. Some houses had water seeping from basement walls. Only two houses I entered had water in any portion (the floor was multi-leveled) of their basement and it was 1-2" in depth and was clear water. In these no determination could be made if the water was coming from basement walls. The rest had no standing water. Most had evidence the floor was wet but the water had since drained down their floor drains. Again, most houses had evidence of a wet floor but no house had any standing water. Residents were understanding and absolutely no one said it was worse than before. This statement is blatantly false. If you claim what you say is true then please provide names and addresses of these home owners so we may speak to them regarding their problem.

The manholes on the 400,000 gallon underground storage structure were opened after the rain and the structure was not completely full. The estimate was that the structure was 75% full. It worked as designed. The street flooding was due to grass, weeds, leaves and mulch clogging the catch basins. Once

this was removed the street quickly drained. In the 2700 block once the debris was removed the two feet of water in the street drained in less than two minutes.

The flooding at the intersection at 25<sup>th</sup> and Coles (in the street) will be mitigated when the detention/retention facility is constructed in the fall. Even with this issue when the basements surrounding this intersection were entered there was no standing water.

Mr. Duncan and I personally spoke with Mr. Essman last night and he did not have a problem and he was not upset.

What you fail to mention is that with the storm of that magnitude there was flooding all over the city. The flooding in this area was just as bad as other areas.

The purpose of the project was to protect home from combined or sanitary sewer backups. Dry basements were never guaranteed.

I saw your blog and in my opinion it was untrue and misleading. I believe this email is also misleading.

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